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GOVERNMENT OF KENYA

THE NATIONAL ASSEMBLY

HOUSE OF REPRESENTATIVES

First Parliament—Second Session

(FIRST SESSION ESTABLISHED BY THE KENYA INDEPENDENCE ORDER IN COUNCIL, 1963)

Friday, 13th December, 1963

Honourable Members of the National Assembly met in Parliament Buildings, Nairobi, on Friday, the 13th December, 1963, at eleven o'clock it being the first meeting of the Assembly since the passing of the Kenya Independence Act, 1963, and pursuant to a Proclamation dated the 5th December, 1963, signed by His Excellency the Governor.

(His Royal Highness, the Duke of Edinburgh was escorted into the Chamber by the Speaker of the Senate (The Hon. T. M. Chokwe), the Speaker of the House of Representatives (The Hon. H. Slade), and the Prime Minister (The Hon. J. Kenyatta) and took the Chair.)

(The Mace was placed covered on the Table)

PRAYERS

Prayers were read by the Speaker of the House of Representatives' Chaplain.

THE LETTERS PATENT AND ROYAL SIGN MANUAL AND SIGNET

The Speaker of the Senate (Mr. Chokwe): ELIZABETH REGINA ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen Head of the Commonwealth Defender of the Faith To Our right trusty and well beloved Counsellor Malcolm John Macdonald Governor-General and Commander-in-Chief of Kenya and Our trusty and well beloved the Honourable Timothy Muinga Chitasi Thomas Chokwe

Speaker of the Senate and the Honourable Humphrey Slade Speaker of the House of Representatives of the National Assembly of Our Parliament of Kenya and To Our trusty and well beloved the Members of the said Senate and House of Representatives and Our People of Kenya Greeting: Whereas by the Kenya Independence Act 1963 provision is made for the attainment by Kenya of fully responsible status within the Commonwealth And Whereas in pursuance of the provisions of the Constitution set out in the Kenya Independence Order in Council 1963 Our Parliament of Kenya has been summoned to meet for certain arduous and urgent affairs concerning the Government thereof And Whereas We are desirous of marking the importance of the opening of the first meeting of the said Parliament and of showing Our special interest in the welfare of Our Loyal Subjects in Kenya and for as much as for certain causes We cannot conveniently be present thereat in Our Royal Person Now Know Ye that We trusting in the discretion fidelity and care of Our most dearly beloved Husband and most faithful Counsellor Philip Duke of Edinburgh Knight of Our Most Noble Order of the Garter Knight of Our Most Ancient and Most Noble Order of the Thistle Grand Master and First or Principal Knight Grand Cross of Our Most Excellent Order of the British Empire Admiral of Our Fleet Field Marshal in Our Army Marshal of Our Royal Air Force Do give and grant by the tenor of these Presents unto him full power in Our name to hold Our Parliament of Kenya and to open and declare and

[The Speaker] cause to be opened and declared the causes of holding the same and to do everything which for Us and by Us shall be therein to be done. Willing that he shall hereby convey to Our said Parliament and People Our Royal message of goodwill and Our assurance of Our earnest Prayer for the blessing of Almighty God on the new Constitution of Kenya and for the continued prosperity and happiness of all Our Loyal Subjects in Kenya commanding also by the tenor of these Presents as well all and every the said Governor-General and Commander-in-Chief the said Speakers and Members of Our said Senate and House of Representatives as all others whom it concerns to meet in Our said Parliament that to the same Prince Philip they diligently intend in the premises in the form aforesaid AND We do further direct and enjoin that these Our Letters shall be read and proclaimed at such place or places within Kenya as Our said Governor-General and Commander-in-Chief shall think fit In Witness whereof We have caused these Our Letters to be made Patent Witness Ourselves at Westminster the sixth day of December in the twelfth year of Our Reign.

BY THE QUEEN HERSELF SIGNED WITH HER OWN HAND

ADDRESS FROM THE THRONE

H.R.H. The Duke of Edinburgh: Mr. Speaker, of the Senate, Mr. Speaker of the House of Representatives, Honourable Members of the National Assembly:—

I have it in command of Her Majesty The Queen to read the following speech on Her Majesty's behalf:—

"My Government of Kenya, which is now the Government of an independent sovereign state, has been popularly elected by the will of the majority of the people of Kenya to carry out its responsibilities according to the Constitution in the spirit of democracy which the Constitution embodies.

"The Government of Kenya will seek to establish friendly relations with all countries of the world which are willing to return this friendship. The Government has already made application to join the United Nations and will act at all times in accordance with the principles on which this great organization is founded. In particular will the Government work to promote and uphold the cause of human rights.

"On the African continent the Government will strive to achieve the unity of all African states, believing that African unity will contribute not

only to world peace but also to the social advancement of the people of this great Continent. The immediate aim of the Government is a political union with the neighbouring countries of Tanganyika, Uganda and Zanzibar. This represents a major step towards the goal of Pan-African unity as well as leading to closer relations with these neighbouring countries.

"The Government has already indicated its intention to join the Commonwealth; it wishes to develop strong ties of friendship with all the members of this great family of nations.

"At home, the Government will continue with its plan to increase the economic wealth of the country and to improve the welfare of the people. While the resources of the Government will be used in particular to develop agriculture and to create more opportunities for settlement on the land for those who at present are landless, it is the Government's intention to accelerate industrial expansion by every means at its disposal.

"The Government acknowledges with grateful thanks the generous financial and other assistance received from many countries overseas towards its development programme. The Government also wishes to pay tribute to all those who have contributed to the economy of Kenya in the past; those who contribute to the economy in the future will be welcomed and encouraged to stay in Kenya regardless of race.

"Under the Constitution the whole of Kenya now has its own local representative bodies and the Government will continue to encourage the growth of local authorities.

"The Government also recognizes the great desire for education among the people of Kenya and will work unstintingly to improve educational facilities from the primary to university levels. The main emphasis of the Government's plans will be on the expansion of education at secondary school level where there is an urgent need for more schools and, in particular, for more teachers.

"The Government attaches great importance to the provision of adequate health services throughout the land and is determined to promote and improve these services in accordance with its declared aim of eradicating disease.

"The Government is confident that the Civil Service will continue to maintain the very high standards for which it has been renowned in the past. Considerable progress has already been made in the Africanization of the Civil Service, and while this policy will continue in the future, the term "African" will include all Kenya citizens. The Government readily acknowledges the invaluable contribution made by expatriate officers.

[H.R.H. The Duke of Edinburgh] in the Civil Service. It is sincerely hoped that expatriate officers will continue to help the Government in its great task of advancing the social well-being of the people of Kenya.

"The Government aims to establish a strong and just administration which will work for all the people of Kenya. It means to stand forth to the rest of the world as a shining example of a nation where people of diverse colours and creeds can live and work together in peace and in happiness."

ADDRESS OF THANKS

The Prime Minister (Mr. Kenyatta): Mr. Speaker, on behalf of the National Assembly assembled in Parliament, I beg to offer to Her Majesty the Queen this Address of Thanks for the Gracious Speech which marks the opening of the first Session of Kenya's first independent Parliament.

First, I know that I speak for every hon. Member of this House when I express the unbounded pleasure which it gives to each one of us to have His Royal Highness Prince Philip, the Duke of Edinburgh, present here today as Her Majesty's representative.

Mr. Speaker, the aims of the Kenya Government which have been outlined in the Gracious Speech are noble objectives; for their achievement the Government will look to this Parliament and the people of Kenya for guidance and inspiration.

Our Government represents the simple but deep feelings and desires of all our peoples for a better and higher standard of living. We are

aware of their great expectations and hopes and we are resolved, not to disappoint them. Our motto of *Harambee* was conceived in the realization of the challenge of nation building that now lies ahead of us. It was conceived in the knowledge that to meet this challenge the Government and people of Kenya must pull together. We know that only out of our own efforts and toil can we build a new and better Kenya. This then is our resolution.

Mr. Speaker, we may be a very young Nation. But we derive great strength from our unity, from our sense of national purpose and from the determination of our people. As an independent Nation let us face the future with confidence, in our ability to build a new Kenya and to contribute to the preservation of world peace.

Mr. Speaker, may it please Her Most Gracious Majesty to accept the sincere thanks of this House for the Gracious Speech with which the first Session of our independent Parliament has been opened.

ADJOURNMENT

The Speaker of the House of Representatives (Mr. Slade): Hon. Members, it is the pleasure of His Royal Highness now to take his leave. The House of Representatives is adjourned *sine die*.

The Speaker of the Senate (Mr. Chokwe): The Senate is adjourned *sine die*.

(His Royal Highness, the Duke of Edinburgh, in Procession, left the Chamber)

The National Assembly rose at twenty minutes past Eleven o'clock.

Tuesday, 31st December, 1963

The House met. at Thirty minutes past Nine o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS**ADMINISTRATION OF OATH**

The Oath of Allegiance was administered to the following Member:—

Charles Njonjo.

PAPERS LAID

The following Papers were laid on the Table:—

Proclamation of State of Emergency in the North-Eastern Region signed by the Governor-General on 25th December, 1963.

The Public Security (North-Eastern Region) Regulations, 1963.

(By the Prime Minister (Mr. Kenyatta))

Statistical Abstract, 1963.

Sessional Paper No. 4 of 1963—Convention Between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation for the Avoidance of Double Taxation with Respect to Taxes on Income.

(By the Parliamentary Secretary to the Treasury (Mr. Kibaki) on behalf of the Minister for Finance and Economic Planning (Mr. Gichuru))

East African Income Tax Department Report for the period 1st July, 1962 to 30th June, 1963.

(By the Minister of State, Prime Minister's Office (Mr. Murumbi))

Printing and Stationery Annual Report 1962-1963.

Road Authority Annual Report 1961-1962.

(By the Minister for Works, Communications and Power (Mr. Mwanyumba))

The Regulation of Wages (Agricultural Industry Wages Council Establishment) Order, 1963.

(By the Minister for Labour and Social Services (Mr. Mwendwa))

E.A.C.S.O. Wheat Importation Accounts.

Coffee Marketing Board—Balance Sheet and Report for the period 1st July, 1962 to 30th September, 1963.

Coffee Board of Kenya—Annual Report and Accounts for the period 1st July, 1962 to 30th September, 1963.

Nyanza Province Marketing Board—Seventh Annual Report, Balance Sheet and Accounts for the Financial Year ended 31st July, 1963.

Cereals and Sugar Finance Corporation Nairobi—Balance Sheet and Accounts, 30th June, 1963.

The Crop Production and Livestock (Livestock and Controlled Areas) Rules—Imposition of Cess.

(By the Minister for Agriculture and Animal Husbandry (Mr. McKenzie))

NOTICES OF MOTION**EMERGENCY: NORTH-EASTERN REGION**

The Prime Minister (Mr. Kenyatta): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House approves the proclamation of a State of Emergency in respect of the North-Eastern Region which was made on the advice of the Prime Minister by the Governor-General on the 25th day of December, 1963.

NATIONALIZING OF NYALI AND MTWAPA BRIDGES

Mr. Ngala: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

In view of the economic hardship caused to the users of the privately owned Nyali and Mtwapa Bridges in the Coast Region, this House urges Government to nationalize those bridges and do away with the tolls.

BILLS**First Reading****THE PUBLIC ORDER (AMENDMENT) BILL**

(Order for First Reading read—read the First Time—Ordered to be read the Second Time tomorrow)

MOTION**EMERGENCY: NORTH-EASTERN REGION**

The Prime Minister (Mr. Kenyatta): Mr. Speaker, Sir, I beg to move:—

THAT this House approves the proclamation of a State of Emergency in respect of the North-Eastern Region which was made on the advice of the Prime Minister by the Governor-General on the 25th day of December, 1963.

Mr. Speaker, Sir, in November this year, just before this House was prorogued, I spoke during a Private Member's Motion on the situation

[The Prime Minister]

which exists in the North-Eastern Region. I said that the Government would keep the security situation there constantly under review, and I have been intimately concerned with events in that area. I must inform the House that my hopes and expectations of a peaceful settlement have been frustrated by a mounting wave of terrorism and banditry. These incidents left me in no doubt that firm measures were necessary.

For the information of hon. Members, I should like to give some facts about these incidents. Since 13th November, when the Shifita gangsters commenced their activities, there have been thirty-three separate incidents involving the use of firearms. During that time, three civilians have been killed and eighteen wounded; security forces have lost two killed and fourteen wounded. The attackers are well organized, demonstrating great ruthlessness, good tactics and strategy. More disquieting has been the free use of automatic weapons by Shifitas, a sure sign that a master-mind is behind the attacks. Figures in my possession show that about 2,000 Shifitas are believed to be based mainly in Somalia, and about 700 are operating within the North-Eastern Region. Of these, however, it is estimated that only 150 are in possession of arms. It would be a dereliction of duty for our Government to stand by and let the situation slide while the majority of peaceful citizens continue to be intimidated, terrorized, maimed and, in some cases, deprived of life.

We had to work at once when it became clear that the situation had reached a critical point. Our action in declaring a State of Emergency is intended to handle the source of trouble by providing the security forces with the powers which they need to deprive the Shifita of the elements of surprise attacks. Accordingly, a prohibited area five miles wide along the Kenya/Somalia border has been marked out and anyone seen there without lawful excuse will be arrested or shot at. For detailed information of the power now provided to the security forces, I should like to draw the attention of hon. Members to the regulations made under the Preservation of Public Security Act, 1963. By these means it is hoped to curtail the situation, if not wipe out the enemies altogether. I am sure the House will fully approve.

I should like to tell the House that Government's action is purely defensive and we have taken the Emergency powers under extreme provocation and violence. I should, however, like to assure the House that we have enough force at our disposal to deal with any eventuality and I trust that our hand will not be unduly forced.

The North-Eastern Region is part of our country and any problems arising there are internal and domestic. We cannot compromise on that. I have already announced specific programmes for the Region intended to improve the welfare of the inhabitants of that region which, in the past, has been much neglected. I hope to announce still more projects but development cannot proceed in an atmosphere of insecurity and the sooner we settle down to peaceful conditions there the better.

I am glad to report, however, that already Kenya Somalis who had gone over to Somalia thinking that it was a land of plenty are now returning of their own accord. I have accordingly authorized that safe-conduct corridors should be left open in the prohibited area.

I wish to conclude, Mr. Speaker, by saying that I do not like Emergencies. I have suffered under them and it was with the greatest reluctance that I took the action for which your endorsement is necessary. On first signs of normal conditions prevailing in the area, I will certainly remove the Emergency.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, in seconding the Motion I merely want to make clear the Constitutional position. The introduction of the prohibited area was considered likely to result in fairly large numbers of unauthorized persons being found in the area, at any rate in the early days. In view of these numbers, it was necessary for the Government to have the power to detain such persons for questioning beyond the very short period allowed by law in normal times. A maximum period of twenty-eight days is considered necessary for this purpose.

One of the fundamental rights protected by the Constitution is that of personal liberty and a person may not be detained without being charged with an offence, except for a very short period. However, if a State of Emergency is declared under section 29 of the Constitution, this protection may be set aside to such extent as is justifiable in the circumstances. To enable the proper functioning of a scheme for a prohibited area and the questioning of persons found in it, therefore, the Government decided to advise the Governor-General to declare under section 29 of the Constitution that a State of Emergency existed in the North-Eastern Region for the purposes of the fundamental rights chapter of the Constitution. On the advice of the Prime Minister, the Governor-General also declared the State of Emergency existed in the North-Eastern Region for the purposes of section 60 of the Constitution. During such a State of Emergency, Parliament

[The Minister for Justice and Constitutional Affairs]

may make laws concerning matters which in normal times are reserved to Regional Assemblies. The reason why it was considered necessary for an Emergency to be declared also under section 69 is that it may be necessary to amend the Special Districts Administration Ordinance which, in normal times, is a matter exclusively for Regional Assemblies. As hon. Members will be aware, this Ordinance applies in the North-Eastern Region and makes special provision for the administration of the areas to which it applies. Declaration of an Emergency under either of the two sections may be made while Parliament is not sitting, but will lapse after seven days unless it has been approved in the meantime by a resolution of the Senate and a resolution of the House of Representatives, supported in each case by the votes of 65 per cent of all the Members of the House.

This, very briefly, is the constitutional position and I do not intend to add to what the Prime Minister has said, except to emphasize that this House has a responsibility which we are confident it will now discharge.

(Question proposed)

Mr. Ngala: Mr. Speaker, Sir, the Motion is very clear. The House is being asked to endorse the Proclamation of a situation of emergency in the North-Eastern Region.

I think the Government is fully aware that the Opposition has always made it quite clear that when there is a national issue it will be out to help the Prime Minister, his Ministers and the Government as a whole. However, on this occasion, the Government is to be blamed very seriously for the situation that has now arisen in the North-Eastern Region. On the 28th November, I brought a Motion in this House and I asked for definite assurances from the Prime Minister with regard to the situation that existed in the North-Eastern Region. The Prime Minister gave me definite assurances. First, the Prime Minister said extensive investigations were going on everywhere in the region and in the area concerned. This was a statement from the Prime Minister himself. To quote the HANSARD the Prime Minister said: "Extensive investigations have been carried out in the area. I have given orders, but I must see one of the raiders alive, and if not alive, dead." Now, this assurance of extensive investigation was purely a gallery show. The Prime Minister was only speaking to the galleries in this House. We have discovered, that there were no extensive investigations at all going on in the area concerned. I have been in that area

for three days. Mr. Speaker, I have just returned from Masabubu where our people were massacred and there were no investigations going on. Not one of the Ministers visited the area; not a single one of the Parliamentary Secretaries visited the area; nor did any of the Government officers. In fact, I arrested eleven persons. Mr. Speaker, the Ministers are laughing heartily but I cannot see the joke in this serious situation. I arrested eleven Somalis east of Masalani only yesterday afternoon. Now, if there have been—

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Speaker. Do we understand that the Leader of the Opposition actually arrested eleven persons, and does he have power to arrest persons? Do we understand that he actually arrested these persons or is using this word loosely?

The Speaker (Mr. Slade): That is not actually a point of order.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I would like to have your direction. I understand you ruled it is not a point of order. The Leader of the Opposition has made a very definite statement that he has visited the area in question and arrested eleven persons. The Government is not aware of these arrests. There are powers of arrest under the Law and the House is entitled to know whether the hon. Member is speaking of actual arrests or merely making vague suggestions.

The Speaker (Mr. Slade): Order, order. I repeat, it is not a point of order. The hon. Member has made a statement of having done something, and perhaps he has no legal powers for having done so. However, it is not a point of order.

I think hon. Members are aware by now that points of order are only points concerning the conduct of Members in this House, or the procedure of this House. If it is a point of argument it is quite a different matter, and if an hon. Member on the Government side has any desire of arguing what Mr. Ngala said in his speech, he should do so later.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Speaker. May I put it this way then. Can the hon. Leader of the Opposition substantiate the statement that he arrested eleven persons?

The Speaker (Mr. Slade): Mr. Ngala can be required to substantiate his statement, but substantiation means no more than saying why he makes the statement. He was in the middle of describing what happened.

Mr. Ngala: Mr. Speaker, Sir, this is a clear reflection of the Government Bench in front: it does not know what it is doing and what is going on in the country.

The Minister for Justice is fully aware that where there is a situation of emergency, even for the seven days prior to endorsement, if endorsed, any citizen, any law abiding citizen like myself, can take action. That is exactly what I did. I am President of a region, I can carry along with me the Regional Commissioner of Police and order him to do something.

However, Mr. Speaker, the point is that the Somalis have been arrested and they are at Galole.

The Minister for Justice and Constitutional Affairs (Mr. Mboya). By you?

Mr. Ngala: By my forces. If the Minister concerned is interested he should go to Galole and investigate the matter there. We do not want the Ministers merely to talk to the galleries.

We do not want the Ministers to sit down here and talk to the Gallery and say that investigations are going on when even now they do not know that at Galole and Masalani there are manyatta villages of the Somalis. What is the situation if the Government does not even know that within the three mile strip along the Tana River area there are Somali manyattas? The Prime Minister says there were extensive investigations, and that should have been known by the Government.

The Prime Minister (Mr. Kenyatta): Mr. Speaker, may I intervene?

The Speaker (Mr. Slade): Only on a point of order.

The Prime Minister (Mr. Kenyatta): The Leader of the Opposition—

The Speaker (Mr. Slade): Is this on a point of order?

The Prime Minister (Mr. Kenyatta): Yes. The Leader of the Opposition has just told us he arrested these people and then he said he did not arrest them and that they were arrested by forces under this Government. Was he telling the truth when he said that he did arrest these people, and that we did not make investigations? For his information, I would like to say—

The Speaker (Mr. Slade): Order, order. I think you have made your point. You are asking Mr. Ngala to substantiate what he alleges, but you cannot go on any further.

Mr. Ngala: Mr. Speaker, I flew from Mombasa with my Civil Secretary and the Regional Commissioner of Police, and we spent two days in

that area, between Gori, Makabubu and Masalani. The Government does not know of these places.

An hon. Member: We know.

Mr. Ngala: We went round and discovered a village, a Somali village, East of Masalani. Twenty-six miles east of Galole is Masalani and this village is four miles east of Masalani. The Regional Commissioner of Police under the Coast Region is entitled, I hope, to carry out his duties of maintaining law and order in the area. He is entitled to make an arrest. I was with these people and they were accompanying me. If the Prime Minister wants clarification, that is the clarification. The people are now at Galole and they are waiting for a first class magistrate to try them. That is sufficient substantiation. The people were arrested and they are there.

The Prime Minister (Mr. Kenyatta): On a point of order. The Leader of the Opposition clearly stated, unless he did not know the language he was using, that he arrested ten or eleven Somalis. My point of order is that he said that he arrested them, and not that he ordered them to be arrested. He said "I arrested eleven Somalis". We want substantiation.

The Speaker (Mr. Slade): Mr. Ngala has given the explanation of what he meant.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order. Do we understand from your interpretation of what the hon. Member has said, that he did not in fact arrest anybody? What he meant was that the Regional Commissioner of Police took the action which is normally his to take.

The Speaker (Mr. Slade): The hon. Member has been asked to substantiate his account that he arrested certain people. He now explains exactly what happened. You can call that arresting them, or whatever you like. He has told us what happened and why he said he arrested these people. There is nothing more that can be said now, except with regard to the meaning of words, and I should have thought the matter was too serious for that.

Hon. Members: Withdraw, withdraw, withdraw.

The Speaker (Mr. Slade): There is no need for the hon. Member to withdraw what he said.

Mr. Ngala: Mr. Speaker, I am very grateful for your ruling. The point I want to make clear is with regard to this extensive investigation by the Prime Minister. We, on the ground, have shown that there were no extensive investigations going on at all.

An hon. Member: Question!

Mr. Ngala: You say "question". The Prime Minister has acted because a group of people living in the region came and said that the Government was doing nothing, and they wished to take up the matter themselves. Can you question that? Investigations were not going on. For this reason we feel very bitter. We are not encouraging any violence but we are seriously deploring the fact that women, children and tribal policemen were killed. We very much deplore that. We do not endorse any kind of violence, and we do not like the Leader of Government to stand up and say to the galleries that extensive investigations are going on when they are not going on. We feel very strongly about this. Statements should not be made politically by the Prime Minister. He should believe what he says in a serious situation like this.

The Prime Minister went on assuring us, and he said, I quote, "we have not rested there"—"There" means the region concerned—"At present, we have sufficient forces in the North-Eastern Region to deal with any eventuality, so you can rest assured that action has been taken and will continue to be taken." The Prime Minister assured this House that there were sufficient forces to deal with any eventuality. How is it that these forces have not done any work? How is it that these forces have not been effective? I wanted to raise the Motion on the 20th November so as to stop the Prime Minister from going back and sitting in his House at Gatundu over Christmas time. I made it quite clear in my Motion, Sir, that I did not want to hear of people being killed over Christmas or the New Year, because the Government was doing nothing. I was assured that the Government had sufficient forces to deal with any eventuality. Why is it that now we have to run to the Colonial Governor-General to get this power? If the Prime Minister did assure us that he had the power to deal with that eventuality, what has changed the situation now? I am convinced, Sir, that there has been no change and the Prime Minister still has these forces, therefore, he should use them. The Prime Minister has told us that there is this Special District Ordinance which gives him a lot of power.

Mr. De Souza: On a point of order, is the Leader of the Opposition entitled to call the Governor-General of free Kenya the Colonial Governor-General?

The Speaker (Mr. Slade): If he is referring to the Governor-General as a Colonial Governor-General, he must withdraw.

Mr. Ngala: I withdraw it, Sir.

Mr. Speaker, my second point concerns the forces which were promised to this House, and to the country, which were supposed to be there to deal with any eventuality. The Prime Minister did assure us that he had this Ordinance—the Special Districts Ordinance—and would help him deal with the situation. How is it that in all the attacks only our people have been killed? In all the attacks the majority of people and police posts have been attacked right and left and people killed everywhere. Where did these forces get to? I have discovered that there were no forces there at all. Again the Government was speaking to the galleries here in the House. This is a very serious situation. We do not want a Government which is too political. We want the Government—

Mr. Kamau: On a point of order. Is it in order for the Leader of the Opposition to allege that the Government has no forces?

The Speaker (Mr. Slade): It is in order for the hon. Member to make such an allegation; and as it is an allegation in the negative it is not the sort of thing he can substantiate. It is for the Government to answer him in due course, and show what forces were there, if any.

Mr. Ngala: These forces, which were alleged to be there, have not worked effectively. Therefore, Mr. Speaker, Sir, I do not think we are prepared to come here on such a very serious matter just to be told by the Government that we must remain quiet because everything is all right. Today we are being asked to give the Government Emergency powers in the hope that they will deal with the situation. If promises like this are given in the House, and are not carried out, how can we be sure that this Government has the resources to solve the matter?

Mr. Speaker, Sir, my third point concerns the inefficiency of the Government. In every free country there must be some kind of a Ministry of Defence to defend the people and a person charged with the special responsibility of seeing that the citizens are safe and protected. Since Independence three weeks ago, this country has not had a Minister of Defence and then suddenly, after a week, the Government charges the hon. Minister of State with the job. Where are the files, and where is the background? How can he do it? We are quite sure that he cannot do it. This plan that we are given here in the House must stop. The Government must govern, and they must do it properly. If the Government cannot do their job properly, they had better resign.

[Mr. Ngala]

Mr. Speaker, Sir, these Ministers have just been sitting at Ruringa, the stadium at Nyeri, accepting surrenders and investigating unnecessary things, and sitting at Gatundu. I have been trying, from the Coast Region, to get in touch with the Prime Minister here. I can never get him at his office, and I am sure he is at Gatundu, but there is no telephone at Gatundu.

The Prime Minister (Mr. Kenyatta): On a point of order, Mr. Speaker, I do not think the Leader of the Opposition is keeping up with the times, and I think he is trying to make a kind of political speech having been given the opportunity to do so. Can he substantiate that there is no telephone at Gatundu?

Mr. Ngala: Mr. Speaker, Sir, I said I did not think there was a telephone at Gatundu, and it is not in the Directory.

The Prime Minister (Mr. Kenyatta): On a point of information, Mr. Speaker, I think a man with the capacity of the Leader of the Opposition should try to speak the truth. We are here to speak the truth, not just to fumble about with this and the other thing. Mr. Speaker, I say there is a telephone at Gatundu and if he wants to see it, he can go there and do so.

The Speaker (Mr. Slade): That is a point of information, but I think it is a useful one.

Mr. Ngala: Mr. Speaker, Sir, in the proclamation by the Governor-General it says that "whereas by reason of a situation existing in the North-Eastern Region" who has caused this situation? It is the inefficiency of the Government itself in my view. If the Government had a Minister charged with that job, he should have visited the area. Nobody has visited the area at all, not even a Parliamentary Secretary.

The Prime Minister (Mr. Kenyatta): On a point of order, Mr. Speaker, the Leader of the Opposition is not keeping to the truth. The Minister—

The Speaker (Mr. Slade): Mr. Kenyatta, you cannot rise on a point of order simply to challenge the truth of what an hon. Member says. You can ask him to state the evidence on which he makes his statement; that is the meaning of substantiation. But you cannot counter him with an allegation that the facts are different from what he says. That has to be kept until he has finished and some other hon. Member speaks.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, the point of order here is that the hon. Member has a responsibility to the House to speak the truth and to

speaking only what he knows to be the truth. In the course of his speech, he has made several statements which we have challenged and which have been proved to be untrue. Now, lastly, he has suggested that not a single Minister has visited the area in question, not even the Minister responsible for the North-Eastern Region. Can he substantiate that no Minister has visited the area, or does he want every Minister to come to his House and tell him so?

The Speaker (Mr. Slade): I said a little earlier that when a negative is alleged substantiation is not really possible. In such cases, obviously the hon. Member who alleges a negative believes that the thing has not happened. It is for the other side then to give information of how it has happened when their turn comes. Negatives cannot be substantiated.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, may I seek your guidance? Could it then be that by making a string of negatives, all of which are well known to the speaker to be completely untrue, the speaker is entirely free to mislead the House and the public by using a lot of negatives right the way through? What is the protection of this House if a Member is going to use a string of negatives all of which are untrue?

The Speaker (Mr. Slade): Of course, every hon. Member has a responsibility to speak as far as he knows according to the truth, and when an hon. Member, such as the Leader of the Opposition, alleges that no Minister has been to a place, you can be reasonably sure that he believes no Minister has been there. The answer, as I say, lies with those who say he is incorrect, by bringing their own evidence to show that he is incorrect. There will be plenty of opportunity for that for Members of the Government before this debate is ended.

Mr. Ngala: I do not see why the Government should panic over this. This is a country-wide Emergency and a national issue. I started by saying that where the Government has good reasons we have undertaken to support the Government. When I say that no Ministers or Parliamentary Secretaries have not visited the place, I mean it. I would like the hon. Member who will reply for the Government to tell me whether the areas which are concerned—those are the ones I am talking of—have been visited by a Minister, such places as Korohara, which has been attacked; whether a Parliamentary Secretary has visited El Wak since it was attacked; whether a Minister has visited Kasabubu since it was attacked; whether a Minister has visited Masalani or Kore

[Mr. Ngala]

since they were attacked. We want to know. These places have not been visited by Ministers, and this is what I mean. If the Government Bench is sitting here in Nairobi, or if the Members are just wandering about between Nairobi and Nyeri, as an ordinary man in the field, I take it that the Government is not coming out to see the difficulties facing the people. I would like a definite reply on this point I have raised here.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Why do you not sit down?

Mr. Ngala: I will sit down when I wish to sit down, when the time is up.

The other point I would like to raise, Sir, is this: we are asked to endorse Government action on a national issue. Having made it quite clear that on a national issue, like an Emergency, we were going to co-operate, the Government has not seen fit to consult the Opposition, even on a national issue like this. The Government has not even seen fit to call the Leader of the Opposition or his deputy or discuss with anyone this Emergency which is facing the country. A Government which behaves like this is really playing with fire. I feel this is very serious, Sir. If the Government expects co-operation from the Opposition, they must show courtesy to and respect for the Opposition and, on a national issue such as this, they should consult with the Opposition. I know Government may have their own attitude. I hear one of the Government youth wingers saying it is not necessary—

Mr. Kalk: On a point of order, is the hon. Leader of the Opposition justified in alleging that an hon. Member is a youth winger?

The Speaker (Mr. Slade): Order, order. Hon. Members will please keep silent when the Speaker is on his feet. It is out of order to use offensive language in reference to other hon. Members, or insulting language. I do not know whether it is considered offensive or insulting to refer to anyone as youth winger. If not, it is in order.

Mr. Khasakhala: On a point of order, could we have your ruling on how long the Leader of the Opposition is allocated to speak on this Motion?

The Speaker (Mr. Slade): There is no time limit.

Mr. Ngala: Mr. Speaker, Sir, we feel that perhaps, this question is not very important. Government did not feel this declaration of an Emergency was important enough to the country to consult with the Opposition. If they had felt it was important, they should have consulted with

the Opposition. We know Government can steamroller because of their numbers; they have 65 per cent here, but we are entitled to make our stand. We are entitled to tell this Government that as long as they go on working so inefficiently and as long as they disregard the Opposition on national issues, the co-operation we have clearly stated to the Government we are willing to show may be turned into something which perhaps might be unpleasant to the Government. We are quite prepared to understand the issue nationally, but we protest strongly against the attitude which was taken by the Prime Minister over this issue. If it is an issue of national importance, then the facts should have been made known to all of us.

Mr. Speaker, Sir, my next point is also related to the inefficiency of the Government. When these people were shot and murdered at Masabubu, it took seven hours for me to get the news in Mombasa; I understand it took over twenty-four hours for the Central Government here to get to know of the news. I have been to the area, and the reason is that Government has not installed any means of quick communication, air, radio or anything throughout the area. There is no V.H.F. system there and, therefore, it takes all this time to get the message across. This shows exactly where the Government is wrong. Members of the Government are saying "no" and shaking their heads, but they have never been to the place. Is this not inefficiency?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): But Shikuku has not been there.

Mr. Ngala: Shikuku is not the Government; you are the Government. Mr. Speaker, this is a very serious matter indeed. Our people are angry, at Masabubu where people have been killed. One hon. Member is asking me whether they are angry. How can they be anything but angry when their people are slaughtered, and a Member of Government asks me if the people are angry, after four people have been murdered? Yet, yesterday when I was there there was not even an Information Officer from this Government to distribute pamphlets and encourage their morale.

An hon. Member: Where?

Mr. Ngala: This was at Galole and Masabubu. This is the hon. Member who cannot handle the situation. He says that an Information Officer is not posted in every village. I know, I am aware of that, but I am talking of pamphlets being distributed by people who can be flown over in helicopters or planes in order to keep up the morale of the people. The people there are going by

[Mr. Ngala] rumours. They say that they do not know whether the Somalis are next to them, they do not know where they are, there is no information, and the Information Department is doing nothing. I hope the Minister for Information is here. He only goes between Kisumu and Nairobi, and he is not doing any of the work there by way of publicity and helping to boost the morale of the people to fight a war. This is not being done. Is this Government, after what I have said, not convinced that it is completely inefficient?

Hon. Members: No, no

Mr. Ngala: They are afraid and say no, but they are

An hon. Member: You are misinformed.

Mr. Ngala: I was there. It is not a question of being misinformed. I was there yesterday. I am talking from personal experience.

Mr. Speaker, Sir, we want to make it quite clear that we should understand the difficulties that the Boran and other tribes are facing in the N.F.D. area. We would like them to be assisted as much as possible, as the Prime Minister stated in the HANSARD on 28th November. We are with the Prime Minister completely on this issue, but we are very disappointed in the way the Prime Minister has handled the whole situation. We are very disappointed because we have discovered that there were not extensive investigations. We are disappointed because we have discovered that the forces which were to have dealt with the situation were not there. We are disappointed because we have discovered that the Ministry of Information is not doing its job there in the areas which are really affected. We are disappointed because the Government has failed to appoint Ministers who are responsible for such things.

For these reasons, Sir, on behalf of the Opposition I would like to oppose the Motion. I would like to oppose the Motion until Government has learnt a method of doing things. I oppose this Motion, not because I endorse violence, no, we do not endorse any violence, nor because we do not deplore the killing which has been carried out. We do deplore the killing which has gone on among the Pokomo and other people. We also deplore the hardships which face the people living in the North-Eastern Region, but we are opposing this Motion because the Government has been the source, in my view, through its laziness and negligence, of causing the situation which has built up to this extent. The Members are not aware that at the moment there is no region there. It is not operating; that area is run direct from

Nairobi. The Minister knows this very well, and it is a failure of the Central Government particularly. Can anyone over there challenge me on that? Clearly it is the failure of the Government itself. If, when the Government fails in carrying out its duties, it takes the easiest way out and declares an emergency, with regard to the Kitale issue, one day we shall wake up and find that the Government has declared an emergency because they have not carried out the Constitutional decision. If the Government has endorsed free title deeds at the coast, the people may rise because they are being oppressed, and the shortest method the Government can take is to declare an emergency. Why do you declare an emergency on your own failures? This is what we would like the Government to understand, and the Government should understand fully that on national issues we are prepared to support it, but the way they have handled this is most undesirable with regard to a national issue. For this reason, we are opposing the Motion as moved by the Prime Minister.

Mr. Speaker, Sir, I must make it clear that Shiftas or no Shiftas, we are concerned with the security generally there. This House has come here to debate the public security measures, to see that there are sufficient measures to deal with the situation. In fact, when these measures were introduced in 1963, we were told by the Government that they were sufficient to deal with any eventuality. Now you have a special Ordinance. The Minister for Justice has said that the special Ordinance is helpful and the region can be deprived of those powers. There is no region there, though, the Government is running it direct from here. Therefore, they should be more effective instead of blaming the regions for nothing.

I would like sincerely to make it clear to the country that we are with the Prime Minister on national issues. We have opposed this because he has handled it wrongly, in my view lazily, and neglected his duties. Also, his Government has shown gross inefficiency in handling the whole situation in the North-Eastern Region. Although the Government will decide to steamroller this through, it should be noted that we are opposing it on very good grounds, very good grounds indeed. It should be known that the hon. Members who are shouting at the back have a long way to go to understand how a Government runs. They have a very long way to go, that is why they do not understand. The front benchers do.

With these few remarks, I beg to oppose the Motion of the Prime Minister very strongly.

Mr. Muliro: Mr. Speaker, we have come here today for something which is very serious to the security and integrity of Kenya. The question of emergency in the North-Eastern Region is of very grave importance to this country. When the British Government, through the then Colonial Secretary, wanted to fragment Kenya and give that portion to the Somali Government in order to appease the Somalis in the United Nations, we as Kenyans, stood firm in the negotiations and said that we never wanted to see a portion of Kenya taken away from Kenya by a Colonial Government.

We said that we would deal with the relationship between the Somalis in Somalia and the Kenyans in Kenya and view this matter very seriously. In my opinion, the Somalis are taking us for a ride. On our side we want peace and on the other side they do not want peace. We are suffering from the five divisions of the Somali people. The five divisions relate to the five areas, one area being part of Kenya. If it is a question of territorial loss to Kenya, we must resist it to the very utmost. We do not want to see Kenya disfigured in any way whatsoever because thugs from Somalis encourage some thugs from Kenya and tell them that we will surrender a part of the territory of Kenya to Somalia. If it is a question of demanding territorial gain we should demand the former boundary of Kenya up to the Juba River. To give—

The Speaker (Mr. Slade): Mr. Muliro, I do not want to interrupt you, but I think you are going rather near forbidden ground. We have a Standing Order which does not allow criticism of any Government of a friendly country except on substantive Motion for that purpose. I think I am right in saying our Government is still on very friendly terms with the Somalia Government. That being so, we must avoid criticism of the Government of Somaliland as opposed to the actions of some of the Somali people.

Mr. Muliro: Thank you very much for drawing my attention to that Standing Order, Sir.

I was saying that if there are people in the Somalia Republic—let alone their Government, but if there are individuals—who feel that by their irresponsible activities, they can bring pressure upon the people of Kenya to surrender a portion of Kenya, they are misguided and highly mistaken and they will suffer in their own prostration. If there is anything to be proud of in Africa today, as a result of foreign powers having come to Africa, it is the creation of national and territorial states. The mistake of fragmenting the whole Continent of Africa into portions which are now national states was never the mistake of

the Africans. If we are thinking in a spirit of Pan-Africanism, any African should be happy in whatever territory he finds himself. Therefore, those Somalis who are in Kenya must be content and allowed to live here as Africans of Kenya. If there is any one in Kenya, a Somali or such person, who wants to go back to the Somalia Republic, let him move out of Kenya and go back to Somalia. Those people should not, however, delude themselves that they will get any portion of Kenya; they can move back to Somalia and no Kenyan will go back with them.

I think our Government should send a mission to Mogadishu and tell the Somalia Government in no uncertain terms that we are African states and we are going to stay so. Some of the people who hail from Somalia are living in our territory of Kenya. We want to create a real and genuine spirit of African unity and if the Somalia Government co-operates we will be with them completely. If the Somalia Government does not want to be one with us, they can tell us so and we can then break off relationships with them. We do not want the present campaigns which we are experiencing at the moment. Recently, we were freed from the Colonial régime. We want to embark on the reconstruction of the country. We do not want to be faced with another emergency. A group of irresponsible people on our borders are trying to create disintegration in Kenya.

I would like once again to raise the question of propaganda campaigns and efforts by the Kenya Government in the Eastern Region. Let the Somalis of the Eastern Region know that they are better off in Kenya than in Somalia. First let them know that and then the campaign as far as Kenya is concerned is virtually nil. These Somalia people still think that they would be better off in Mogadishu than in Kenya. Let us embark on a definite and deliberate campaign of action and let those people know that what we are doing for them in this country of ours is so and so. If they do not want that, let them move across the border and go to Mogadishu but let them not stay here any longer and cause trouble in this country.

I think the Government has sufficient powers to deal with a situation of this nature even without declaring a State of Emergency in that small Region. The Government today is armed with every possible power to deal with the situation, without calling the National Assembly to come and give its sanction.

There are hon. Members elected from the Eastern Region, and some of them from that portion of the former Northern Frontier District, who are afraid of going to their constituencies and our

[Mr. Muliro]

Government has taken no steps to see that these people go back and make propaganda for Kenya. The Government has invited the trouble which has led to this declaration of a State of Emergency in that particular area. The hon. Members from the Eastern Region have all been asking for something to be done. They even moved a Motion in this House and the Government knocked the Motion. They went on knocking until the situation became intolerable. Some of the Members had to leave their Christmas puddings in order to rush to the Prime Minister's home to sanction a declaration of emergency. They were thus paying for their own follies. What we want now is that the Government should see to it that no person in the Eastern Region and North-Eastern Region will be intimidated. All the Regions are being intimidated. The people who live in the Eastern Region, the Boran and others, cannot go to their homes. They have to stay in Nairobi every weekend.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): On a point of order, Mr. Speaker. Can the hon. Member substantiate that the Members from the Eastern Region cannot get back to their homes?

Mr. Muliro: Mr. Speaker, I said all hon. Members who come from the North-Eastern Region those persons which have formerly been part of the Northern Frontier District, normally do not go to their homes for the weekends.

The Speaker (Mr. Slade): Can you name the Member to whom you refer, in order to make it clear?

Mr. Muliro: There is Galgalo Godana and others whose names are quite difficult to remember. Next time I will make the names known.

I said the hon. Members who represent that portion of the North-Eastern Region, which was formerly part of the Northern Frontier District, and I am very specific in that now, Mr. Speaker.

The Government must be very diffident, as the Leader of the Opposition has said, to warrant a State of Emergency. This is my view and that of the Opposition. The situation does not warrant a State of Emergency, it only demands that the police must be more effective in the area. If any hon. Members from the North-Eastern Region want police escorts let them have them so that they can go to their areas and preach that we do not want to disintegrate Kenya. Those Somalis who want to return to Somalia let them do so. However, as regards the emergency, we do not

want to accept the procedure by which the Government will be declaring a State of Emergency from week to week. We want the Government to use its normal powers of maintaining law and order and public security throughout Kenya and these sources must be exhausted before we can think of giving them this Constitutional power of creating emergencies. If one man has been murdered and the police have not carried out their work effectively in the area there is no reason for declaring a State of Emergency.

For these reasons and for the reasons already declared by my leader I beg to oppose.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I rise to support the Motion that is before this House. However, before doing so I would like to say how very unfortunate it is for this House and this country that we should have been presented this morning with a glaring and most excellent way of addressing the galleries by no better a man than the Leader of the Opposition. I thought this was a national issue which would have taken us just a few minutes to do what is entrusted to us by the whole country, be we in the Government or on the other side. That is, to make sure that the lives of everybody in this independent Kenya are safeguarded by following the method that is Constitutionally agreed. The Constitution makes it very clear—I believe it is section 29—that the Government can declare a State of Emergency and then within a certain specified period bring the whole matter to this House. This is a normal consultation which the Leader of the Opposition has accused the Government of not doing. What more does the Leader of the Opposition want? He is consulted and indeed the whole country has been consulted through us, the normal elected representatives of the country.

Mr. Speaker, Sir, through you, I would like it to be known that the Government has, within the short time it has been in power, done the best that any power on earth could have done. HANSARD that has been quoted by the Leader of the Opposition, I believe, it is supposed to be dated 28th November. The Proclamation is dated 25th December, just one month after the Prime Minister and the Government gave this country a promise that something would be done. Does the Leader of the Opposition not realize that during this month the Government has presented the country with independence? This was a period which needed much attention by the Government and, during this time, it had to prepare for the independence celebrations which went through very smoothly.

[**The Parliamentary Secretary for Works, Communications and Power**]

If we want to be reasonable and good to our people we must stop accusing others of addressing the gallery when we ourselves do the same thing. The truth of the matter is that the Government Members had to forego their Christmas holidays in order to do that national service which warranted their attention. They gathered to do that national service which today is going to save the lives of many people in that part of the country known as the North-Eastern Region. Already, we hear that the people are coming round to regard themselves as Kenyans. What more publicity, what better public relations do we want? Within a month the people in that area are considering themselves as part of Kenya. Promises have been made, and there is still time to fulfil these promises. It is too early for anybody in this country to criticize the Government of failing to fulfil and honour the promises made.

Mr. Speaker, I would like to point out that the prohibited area which is described in the Proclamation here gives the Government power to give an assurance that the situation is well contained. There are some people, Sir, who would like to see Section 7 (2) expanded so as to mean that one can kill at first sight, but the way this section is worded does not stop any culprit from being dealt with very severely indeed, if need be. The only thing that I would like to say with regard to that "prohibited section" or the description of the "prohibited area"—and this is no reflection on our Government at all—is this: there should be a kind of vigilance along the Western and Northern side of the Eastern Region (the part that borders with the Northern-East Region) where some of the culprits might slip through the—"prohibited area" and pass on to places like Isiolo, Marsabit and so on. There should also be a cordon around the Regional boundary between the Coast and the North-Eastern Region. I am sure the Government is well aware of this. Perhaps, when the Minister replies, he might assure the other side that all is well.

The other point, Mr. Speaker, which was raised by the hon. Leader of the Opposition (and I hope his people will not follow him in this respect), is that although this is a national issue, the Government has failed to do its work, and he has accused the Government of being inefficient. This is not true. He has also advised his side to oppose the Motion. This is a national Motion. It is a Motion which should not be opposed. It is a Motion which should be taken as a National issue by the Opposition. If the

various Members of the Opposition are nationalists, and good Nationalists, they should vote on this issue with the Government and support the Motion that is before us.

I would also like to put forward to the Government the point which concerns the "challenge" which is in section 5. This section gives power for a person to be challenged within the prohibited area, or even outside. I would like to see this expanded a little, Mr. Speaker, to include challenging outside the North-Eastern Region if there is good and substantial evidence of a suspected person. I say this because there are rumours which state that certain of these culprits get out of the Region where the law can effectively operate and slip into other Regions. I would like to see these people challenged if they are suspect in any Region at all, particularly in the Eastern Region, the Coast Region or even Nairobi.

I would like to say a few words on another point which has been raised here and which I say is no reflection on our Government. We should have a rapid overhaul of the Administration personnel in that area, so that if there is any slip up or slackness in getting the information out to our Prime Minister, to the Government and to the authorities concerned, it can be improved upon.

I come now to the last point and that is with regard to the local people who support Kenya and are loyal to Kenya. If the situation does not improve very quickly, I am sure our Government will look into the possibility of incorporating those loyal subjects to act as home guards. Here I use the words "home guards" in the true sense of nationalists. Undoubtedly our Government is well aware of this and I have the greatest regard for the action taken to safeguard the lives of the inhabitants of the North-Eastern Region and for making it possible for Kenya to maintain the greatness of its name in the eyes of the world.

With these few remarks, Mr. Speaker, I beg to strongly support the Motion.

Mr. arap Moi: Mr. Speaker, I think every hon. Member knows exactly what the House is required to endorse. I would like to say that the interest of Kenya is at everybody's heart. I should like to stress this, Mr. Speaker: the reason why we blame the Government is not because they acted unconstitutionally. They acted constitutionally in that the Government summoned the Parliament to meet within seven days. That was perfectly within the bounds of the Constitution of the Government but, as a national issue, the

[Mr. arap Moi]

Prime Minister should have asked the Opposition first, in order to carry the country through with him in the spirit of *harambee*. He should have consulted all the leaders in the country. It should be understood today that not only one party has the interest of Kenya at heart, the whole country has it at heart.

The hon. Member interrupting has his own time in which to speak. Some of us are residents in the Regions and we are interested in running the Government. We are part of the Prime Minister—although in that way it is a little complicated—in that he requires the support of the entire country. I should like to congratulate the Prime Minister on one thing, but this does not mean that when I do so he should sit back and relax and say that everyone is happy with the way things are running. The Government, or the Prime Minister, acted diplomatically. The Somalia Government was not forthcoming in its good-will, and the Prime Minister restrained from taking serious action in making Somalia realise that he is interested in Pan-Africanism. That is the contribution and the compliment I make to the Prime Minister.

Secondly, I should also like to say that the Prime Minister has informed the Somalia Government that he is interested in discussing this question of Somalia with them. Many of my people, including the Kalenjin people, are in the Sudan today. I do not want them to come back because I suppose the Sudanese Government is taking care of them. If we are in this continent of Africa and want freedom throughout the continent, we should be honest with each other. I am saying this, Mr. Speaker, because the Somalia Government is not being honest with the Prime Minister of Kenya. I should like to say this with all sincerity. There are Somalis in Kenya, particularly in the Rift Valley, and I think most of them are loyal to the Government of Kenya. I should like to say that we have to be vigilant over anybody slipping into Kenya, and spreading any propaganda which would endanger the peace of the innocent people. I think we are disagreeing for nothing on one thing: that the ordinary person would like to feel that he is protected by the African Government. We would like to see that this Government is run better than the Imperialist Government. We would like to feel that day-to-day problems are solved, and I should like to mention this in relation to what I saw in the Turkana area, when the Turkana told me that they feel that they are in safer hands than they were in the past. We would like everybody, including the Somalis in the North-Eastern Region, to feel that under an

African Government they will be better off. Therefore, as there is a technical error somewhere, I would like to feel that I am part and parcel of any decision which will affect Kenya. I do not want to bluff anybody, but I just want to say what I feel myself. As I did not know of the situation before the thing was put across, I feel that I cannot support it because of this complication. I will not be told that this is the road through which the Government would like to go.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. De Souza) took the Chair]

I assure the Prime Minister that the implication (Inaudible.) might have happened between Christmas and now and might have caused this uneasiness, but I should like to inform every Member that unless we co-operate for the good of Kenya there will be no better Kenya for all of us. We would like to make everybody feel happy in the Kenya we are in today.

Mr. Khasakhala: Mr. Deputy Speaker, Sir, I think it is the responsibility of this House to deal with this matter of great importance to this country. It appears as if the Members have made this House a platform where they address political rallies. We are not addressing political rallies; we are dealing with a matter of national importance. The Government of a country is there to protect its people and, in order to protect the people, it has to follow the law, and it is this House which implements the law. That is why this Motion has been brought to the House so that we can implement the law that is in the Constitution, to which we have all submitted.

Mr. Deputy Speaker, the hon. Member opposite was in London when the law was being written, and he knows very well that before any State of Emergency is declared in any Region the House has to pass it. The Opposition says it is not necessary, but do they want the Africans in the North-East Region to be murdered? Are they interested in the murder of the Africans there? Do they want them to die without any protection from the law?

Mr. Deputy Speaker, we must thank the Government for being most efficient. It was only on the 12th December that the Africans got rid of the yokes of the imperialists. What efficiency do you want from this Government? How long do you want to implement this law? Mr. Deputy Speaker, it is provided, and clearly written into the Constitution, that if a situation of emergency arises in a Region the two Houses will sit to pass

[Mr. Khasakhala]

a State of Emergency so as to safeguard the lives of people in that area, and that is what we are doing.

Mr. Deputy Speaker, I would say that this Government has been forced into the situation by someone else, and this is what we want to find out. Who is the person who forced this House and the Government into this situation? The Shifta must have been brought about by someone, and this person might be in Kenya. We must find out who he is. If some Members oppose this Motion, we must suspect them as well, and question them.

Mr. Shikuku: On a point of order. Is the hon. Member in order to imply that because of the fact that some people are opposing the Motion they are more or less on the side of the Shifta?

The Deputy Speaker (Mr. De Souza): That is not right.

Mr. Khasakhala: Mr. Deputy Speaker, I do not remember at any time saying that Members were a part of it. I said we could suspect them.

The Deputy Speaker (Mr. De Souza): He has answered that question.

Mr. Khasakhala: Mr. Deputy Speaker, this is a Motion which has been brought forward because our brothers in the North-Eastern Region are suffering and being killed. The Government is tied by the Constitution and it wants to use the Constitution correctly. That is why the Motion has come to this House. We would like the Government to check very carefully and very deeply those civil servants who are working in the North-Eastern Region. We suspect these people because people cannot be sought and then run away without being arrested.

An hon. Member: Is it this Government?

Mr. Khasakhala: It is not this Government. I am suggesting what this Government should do. Mr. Deputy Speaker, the police in the North-Eastern Region, and all the civil servants in the area, should be reshuffled immediately. If they knew that this situation had arisen, they should have given a report to the Prime Minister so that he could act immediately, but they kept quiet while things were getting out of control until it was too late and we lost the lives of some people in this area.

Mr. Deputy Speaker, I would urge the Government to start diplomatic relations with Somalia immediately, for the simple reason that we must regard this as another Cuba in Africa. We may find offensive weapons stored around our own

border, but we may find out when it is too late; when we do not have diplomatic relations with this country. I would also like the Government to have a penalty for harbouring culprits. There should be a penalty for any person who keeps these Shiftas in any area.

Mr. Deputy Speaker, I would also like the Government to check on all the bordering regions so that the culprits cannot escape from the emergency area, go to another region and be safe. If there are no checks, some people will go to the Coast Region and they will escape. Some might run, to the Eastern Region to their friends and be kept there. Therefore, we should urge the Government to make checks on all the bordering regions, and we should also see that no one from these regions go to the restricted area. This Opposition might mean that some people are encouraging this sort of thing, shifting from one region to another region.

Mr. Shikuku: On a point of clarification, could you clarify this? Every now and then Members imply that there might be something behind the Opposition's stand.

The Deputy Speaker (Mr. De Souza): The hon. Member is entitled in his speech to imply lots of things, and so long as he does not imply them or attribute them to any particular person, that is all right.

Mr. Shikuku: To a group?

The Deputy Speaker (Mr. De Souza): That is all right. The group can answer him if it is not true.

Mr. Khasakhala: Mr. Deputy Speaker, the word "opposition" is an English word. It does not mean hon. Members such as Mr. Shikuku, or the hon. Member, Mr. Omar. It is an English word which means an opposition. If you want to know the meaning of the word "opposition" go to the dictionary and find out.

Mr. Deputy Speaker, I repeat that the Government should have checks in the neighbouring regions because they can be a danger to this Government. Furthermore, I would urge the Prime Minister to find out how the seventh region was formed and what was behind it. Who thought of it, and why was it proposed? There was an idea behind it, and the man who had that is the one who is bringing these Shiftas to this area.

With these few remarks, Mr. Deputy Speaker, I beg to support.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): On a point of order, I beg to move that the Mover be now called upon to reply.

The Deputy Speaker (Mr. De Souza): I will wait until Mr. Kase has finished his speech, and then I will put that question.

Mr. ole Tipis: On a point of order, with regard to the point of order moved by the hon. Minister that the Mover be called on to reply, I think—

The Deputy Speaker (Mr. De Souza): That has already been ruled on. You cannot now speak on it.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, on a point of order you have ruled that the member be allowed to finish his speech, but with due respect he has not started yet.

The Deputy Speaker (Mr. De Souza): I had already called him.

Mr. Kase: Mr. Deputy Speaker, I think there must have been some wrong information. I remember here on 28th November, the Prime Minister said that he wanted a dead or a live Somali. Now, either he was just telling us that, or he said it but he never told his officers to bring us one in. It was very fortunate that I did not go to spend Christmas at the place which was attacked very recently. The Somali lay at the Galole Hospital for three days. Every police officer was wondering whether they should send him to Nairobi. I wonder what the Prime Minister meant by saying he wanted a dead or a live Somali. Did he want the Somali to be brought to Nairobi, or did he want the Somali just to be identified? If it were a matter of language, he ought to have been clearer; I have met the Government officers there in the area concerned. They have said that perhaps the Prime Minister was just making a political speech. Perhaps we have officers who do not trust the Prime Minister, who either take it as a political speech, or as something said by the Prime Minister. Which way should they go? We must have a speech which is clear. If it was a political speech, then it was political and it did not mean a dead or a live Somali.

I do not mean to oppose the idea of having a State of Emergency. I support the Leader of the Opposition in this. Although there were some safeguards for these people in the North-Eastern Regions, the civil servants, but what do we find at Masabubu? Three tribal policemen being kept without any ammunition, surrounded by 150 Somalis. What do we do? After the attack the administration, the police, withdrew all the policemen from where the Somalis were living. What safeguard do we have here? Even before Independence, I wrote to the Minister for Home

Affairs about this, and all I was told was "you are safe", and yet we have lost not three civilians, but four; there are four not three. We have been told that there were only three civilians, but there are four. These people are not interested in them. If they do not want to count them properly, they had better not do so at all, instead of bringing the wrong numbers to Nairobi.

We can grant this Government a State of Emergency, but are we going to have the laws obeyed? When the Prime Minister was speaking here on the 28th November, if he meant what he said, and the duties were not carried out, what are we doing here today, granting this Government a State of Emergency? What more powers do they want? They had a Special Districts Ordinance to deal with these hoodlums, and yet they still want a State of Emergency. What do we hear down here in Tana River? We hear about people meeting the forest gangsters, that is all. People are dying and there is no Minister to look into it; and yet they say the Minister has gone. Who has gone? I have been to Garissa, to Wajir, to most of the North-Eastern Region, and what do I see? I have seen the Shifita gangsters. It is not a matter of asking if I have been there. I have seen them. I have seen the place which was attacked and it is no good trusting any Somali. They say they want to declare a State of Emergency in the North-Eastern Region. I remember this group, and I remember the dead Somali. I talked to him and he said, "I am all right, I do not want to attack anybody," and on the evening of the 24th what does he do? He attacks. I think they are going to declare a State of Emergency in the North-Eastern Region, and then leave the others who are not worthwhile. We cannot have people giving us lip service.

They say we have a good relationship with Somalia. I do not trust it. If it was, where are these people getting their guns? You want to open corridors for some of those Kambas. How would you know that they are carrying ammunition? I think this Government must make up its mind right now, as to whether it is interested in the civilians there. If it is not, let them tell us. We can defend ourselves. They tell us we cannot make bows and arrows. They permit Somalis to have bows and arrows; why should they? I am speaking because I have seen these Somalis.

I think it is the duty of this Government to control the situation. It is not a matter of promises. We do not want to be given assurances in the House, and then on the following morning see our people killed: You see a tribal policeman with a stick: What is a man with a stick going to do against a Somali with a gun? They

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tell us we have sufficient force. I think, Mr. Deputy Speaker, if the Government means to act as a Government it must act, but if it is going to make speeches and then officers think that they are political speeches, I think they had better wait. There is no time to call a State of Emergency. I am very sorry about those who died. One of them was my cousin. I do not like to see my cousin missing. If we are going to get promises only in Nairobi, and if promises are to be given to forest gangsters, and then we do not get safeguards for those people who are honest, I do not think we are getting anywhere.

[The Deputy Speaker (Mr. De Souza) left the Chair]

[The Speaker (Mr. Slade) in the Chair]

This means we are giving importance to something very minor indeed. I remember the Members from that area have been making a lot of noise. The N.P.U.A. has been making a lot of noise about this and the Government has been saying that we are all right, but who has gone to see the area? Hon. Members here have said that the area is bad, and they trust the reports. They think the Members here do not say anything important. It is the duty of this Government to see that when Members report they do so in writing, and we do not have lies.

Now what do we find? People in the Tana River want to plant today, but they cannot plant. The Somalis are moving along there with their guns, bows and arrows, and then somebody says that they do not have any arms. These Somalis do not come from Somalia, they are just within Kenya. Some are within the Coast Region, some in the Eastern Region. What is going to be done to these Somalis in the Coast Region and in the Eastern Region? We want the Government to tell us. We do not want it to declare a State of Emergency in a certain place, in a five-mile zone. I want to know why there is this five-mile zone. Has anything happened there? Most of the incidents which are taking place are happening far away from this area. I think the Government here has been very unclear indeed.

Just before I sit down, I want this Government to tell us whether it is going to do anything with the Somalis in Kenya outside the North-Eastern Region. Did the Prime Minister mean a dead or a live Somali, or did he say it as a politician? This is a thing we want to know. Did he mean it in any way? Here we have the Regional Commissioner of Police coming two days after the death of the Somali. He said, "I never received any orders in Nairobi. I cannot send him to Nairobi, because I never received

any orders." Were these things said to please people here, and not necessarily meant to be carried out? We want the Government to be honest. When they say something they must mean it. When something is said here, we want it carried out in the field, if we just say it here and then lose those there we are not going to get anywhere.

I find it very difficult to support this Motion, because all the assurances which were given in the past have not materialized, and therefore I cannot support anything like this. If we give it support, all we shall have is forest people being safeguarded, those coming from the forest will have safeguards, but those who are honest in the field will not be safeguarded. Mr. Speaker, I do not mean to go on on this, but I hope this Government realizes very clearly that when they say something they should mean it, and the officers should be told what to do. We want to see those people in these areas, the North-Eastern Region bordering the Eastern Region, the Coast Region bordering the North-Eastern Region, having safeguards. It is not a matter of having safeguards while they are not there. When we go they do not exist and then they tell me that perhaps orders might come from Nairobi. How do we know? They never come. Then we accord that the policeman in the area. How can we be assured that we are safe? If the Government is not interested in these people, well let them say so. We can make bows and arrows, and we can do something. They can withdraw their police, but give us permission. We can stop everything in two days.

• With this, Mr. Speaker, I beg to oppose.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I rise to support the Motion. I would like to deal with a few points, particularly those raised by the Leader of the Opposition. I take great exception to his speech, because Kenya is one country and we want to maintain unity and peace here. While I respect the views of the Leader of the Opposition in many respects, today I felt a lot of disappointment as a result of his speech. I do not think that he was talking sincerely today. He was only trying to play politics, which is really pitiful when we are discussing an issue of such great national importance, such as this one. I quite agree that he should have acquainted us with some of the things on which he feels very strongly. I have no quarrel with that. But when it comes to his position, of taking the stand he did on this present Motion, then I knew that he was merely playing a politics and he did not see the seriousness of the situation. This is one on which the

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whole Kenya nation should have stood united in order to show the Shifita and those outside the Government who want to challenge us that Kenya is united and is one, and that it can act as one nation. This is the time when we should have done that. How are we to go into the international field? It will be a laughable subject in the international field; it will show that in Kenya the Opposition is irresponsible. That is how it will appear. It will show in the international field that Kenya is still divided. I must put it very plainly to the Leader of the Opposition that he had even encouraged the present attitude of secession. It has been our duty and the duty of the Prime Minister to get Kenya to be united, to be one. The Prime Minister began doing that even from his own Region to all other Regions, bringing the people together.

Mr. Ngala: On a point of order, can the Minister substantiate that I have at any time encouraged secession?

The Speaker (Mr. Slade): Order, order, it is for the Minister to substantiate.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, if he wants substantiation on that particular point, I can do so by showing him some Press statements in which when he was advocating secession for his own Region.

The Speaker (Mr. Slade): I think we must have a little more than that, Mr. Odinga, by way of substantiation. What about the secession of the North-Eastern Region to Somaliland that you are alleging he supported, now can you substantiate that?

The Minister for Home Affairs (Mr. Odinga): I can say, Mr. Speaker, that this one is more or less connected with that one, and that is why I am saying that we are trying to bring these people together. I am only just pointing out what he has said.

The Speaker (Mr. Slade): I will have to explain to hon. Members, as I think I have before, that substantiation does not necessarily mean proof; it means the grounds on which an allegation is made. It appears that Mr. Odinga is alleging that because of his talk of the possible secession of the Coast, Mr. Ngala has encouraged other people to think of secession. He is allowed to argue that if he likes.

The Minister for Home Affairs (Mr. Odinga): Thank you very much, Mr. Speaker, for your ruling.

Mr. Ngala: On a point of order, I should like to seek your guidance on this matter. The Minister has alleged that I personally—not other people who talked about possible secession of the Coast Region—at one time encouraged the secession of the Eastern Region. Now, this is what I want the Minister to substantiate.

The Speaker (Mr. Slade): I think I explained to seek your guidance on this matter. The Minister has alleged that I personally—not other people who talked about possible secession of the Coast Region—at one time encouraged the secession of the Eastern Region. Now, this is what I want the Minister to substantiate.

Mr. Ngala: May I rise to seek your guidance further? Mr. Speaker, with regard to his allegation about the secession of the Coast Region, I have never at any time accepted that allegation or personally myself pressed for the secession of the Coast Region.

The Speaker (Mr. Slade): In that case, you can ask him for substantiation.

Mr. Ngala: This is what I want him to substantiate.

The Minister for Home Affairs (Mr. Odinga): I have said that if the hon. gentleman wants me to produce the paper where it was reported—although he never actually repudiated it—I can produce it later on. It is in there and I can produce it. I will definitely do so later on.

The Speaker (Mr. Slade): You should do it in a very short time, or withdraw.

The Minister for Home Affairs (Mr. Odinga): At the next meeting of this House.

The Speaker (Mr. Slade): It should be in the next 48 hours, I think.

The Minister for Home Affairs (Mr. Odinga): Thank you very much, Mr. Speaker.

Mr. Speaker, I do not intend to speak for a long time, but I wanted to put it forward so that the Members from the Opposition understand. They may say that the Government has not done anything, but the Government is doing all it can to bring all the people of Kenya together. We know that this idea of secession in the North-Eastern Region is not something which is new, it is a problem which has been in this country and which has prevailed. The Government has now actually killed the idea in many parts of Kenya, and now we are concentrating on this particular place, the North-Eastern Region, where it has

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been very much more pronounced. The Government is doing its best. The Government only needed the necessary power to deal with this particular situation. We feel that it has reached a stage where, if the Government does not get the power for which it is asking the House, it will not achieve anything quickly and there will be loss of life or other things like that.

Mr. Speaker, I quite agree and accept that the Opposition will criticize the Government anyway. They can bring any constructive suggestions which they like, but I take great exception when it comes to this attitude which they have adopted. There is the attitude of the Leader of the Opposition after speaking when, instead of listening to the views put across by the Government, he walked out of the House. Other Members after speaking did the same. This is an attitude which cannot help to create the co-ordination which you want, we cannot create the unity which you want. The Leader of the Opposition said that he should have been consulted; now he is being consulted. There are certain things which he claims that he knows with regard to the machinery of the Government. There are certain things which are confined to the Government and the people were told of them, and there are certain things on which he can be consulted. When it is time to do so, we consult him, and we are doing so.

Mr. Speaker, I ask the Leader of the Opposition and the Opposition Members to reconsider their position. If they really want the co-operation, the unity, which we need in Kenya and if they do not want the people in other countries, the friends of Kenya outside, to see them in an irresponsible light, then this is the time they should reconsider their position, support this Motion, and support the Government. We consider this to be a Motion of national importance, a Motion on a national issue, on which the whole Kenya nation, both the Opposition and the Government, should act together in a united way in order to show our enemies outside that Kenya is determined, as one nation, to defend its own country.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko): Mr. Speaker, Sir, I beg to move that the Mover be called upon to reply.

The Speaker (Mr. Slade): The matter of this debate is very serious, but I have not heard much new argument during the last half hour. I think we are coming to repetition now, and it is fair for the House to decide whether or not the Mover be called upon to reply.

(The question was put and carried)

The Prime Minister (Mr. Kenyatta): Mr. Speaker, Sir, it is with great regret that I reply to some of the people who have spoken on this Motion. I would have been sharp in answering some of their remarks but, because I know this is a matter of national importance, I will not do so. I will try and limit myself to the matter concerned, to the situation.

I was very surprised to hear the Leader of the Opposition speaking as he did, as if he were at a political rally. This is a grave situation. He himself brought a Motion in this House demanding action. When I have come to act, he has started glibly talking and saying that he has not been consulted. I do not think this Government is obliged to consult him on any point. If you have been deceiving yourself my friend, that the Government can only act when we consult you, you are mistaken. The Government has—

The Speaker (Mr. Slade): Please remember to address the Chair, Mr. Kenyatta.

The Prime Minister (Mr. Kenyatta): Once I was a warrior, Mr. Speaker, and it makes my blood boil.

An hon. Member: When were you a warrior?

The Prime Minister (Mr. Kenyatta): I wish you would meet me outside and I would show you that I was one once.

I do not want to indulge in any of the jokes, or shall I call them, Mr. Speaker, cheap jokes, by the Opposition. He alleged that I promised investigations. He stated that I told this House that I was making intensive investigations. Maybe the Leader of the Opposition does not know what is meant by intensive investigations. I have been making intensive investigations. If I did not do so, I would not be in a position to know where the Shifita have been training and how the Shifita have been armed. I captured one of them and I do not know why the Leader of the Opposition did not want to come and interrogate him. Therefore, I think he is ignorant of the situation.

Mr. Speaker, Sir, he also alleged that we did not employ forces. I can assure the House that we did whatever we could and employed both the military and the police to the capacity required. I went even further. Being a believer of Pan-Africanism, and as one of its founders, I went out of my way to discuss this matter thoroughly with the Somalia Government. Since I spoke in this House in November, I have had several meetings with the Somalia Prime Minister. He has promised me many things, some of which he has fulfilled. I wish the Opposition would not engage in their silly talk when I am speaking.

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Mr. Speaker, Sir, some things the Somalia Government naturally fulfilled, such as putting forth very strong, subversive propaganda to our Somalis. However, I thought that was not enough and that is why I took the action which I did. After consulting the military and the police there was nothing else to be done, there was nothing else that could make them effective, because, while they were there, their hands were tied and they could not move this way or that. This, of course, was a part of the creation by the Leader of the Opposition when he asked for *Majimbo*, *Majimbo*, Coastal Strip, and all other kinds of things. If we did not have this idea of dismembering Kenya, led by the Opposition, we would not be in the position to which we are now in the North-Eastern Region. The Opposition, Mr. Speaker, Sir, cannot have their cake and eat it. They urged me to take action. Now, after I have taken it, they come here and glibly start to say they are opposing the Motion.

I and my Government have done our duty. You said we cannot govern, but, my friend, I am going to tell you that we are going to govern this country including you—and govern it well Mr. Speaker. I think the Leader of the Opposition thinks that the only way Government can act is by shooting people indiscriminately in the North-Eastern Region. We did not do so. We employed patience and according to Swahili they say "*Tharaitu nda mwenenda*". My Government were not going to be hastened or pushed.

You go and learn your Swahili. Learn better Swahili but do not teach me. Mr. Speaker, sometimes I do not want to look at the other side because when I do I feel absolutely ashamed of the kind of Opposition which the Government has; the Opposition as it is now, opposing only for the sake of opposing. You must learn how to oppose, you must learn the duty of the Opposition. You are telling us that because you were not informed you are opposing. A man like you in the Opposition ought to come out with the fact that you are opposing this Motion because of this and that; but to oppose it simply because you were sitting in the bush somewhere so we could not consult you is silly. For his information, Mr. Speaker, when we resolved to call this House I sent a special message to him. People tried to get him but they could not get him, because he was in the bush. He admitted just now that he was in Galole arresting some people. He was somewhere in the bush and he thought my house had no telephone because he does not have one in his bush house.

We have to take these things seriously. I said in moving this Motion that I did not wish to

declare a State of Emergency. I said I hated a State of Emergency, not only a bit of it, but the whole of it. The Leader of the Opposition knows nothing about an Emergency because he was teaching small children somewhere in the bush. Therefore, he feels that the Government is run just like a school where you were saying "A. B. C" to the children. We do not run our Government in the way the Leader of the Opposition and his colleagues—some of whom have run away in order not to hear these replies—would like us to do. If he could sit there and tell us a pack of lies which he cannot prove, how could he run a Government? The Government needs clean hands to be effective. Therefore, Mr. Speaker, I do not want to make a long speech in reply. I can prove that for the Leader of the Opposition, it is not worthy of being a leader, because he can come to this House and declare that in the North-Eastern Region we have no communications. A man like you ought to know better. A man like you who has been in the Eastern Region only recently, unless you are lying, would not be able to say so. Mr. Speaker, for your information and the information of this House, we have radio communication with every administrative station. We also have information officers in these areas. He says we have no communication or personal contact in the North-Eastern Region. We have daily communication with the Civil Secretaries and other administrative officers in the area. This you did not know. Therefore, you come and stand in this House shamelessly to say that the Government is doing nothing.

I want to call the attention of the House to the fact that when we decided to declare this State of Emergency we had reached the limits of our discussions which tried to bring our brothers into harmony with us. Time and time again, I have put it to the Somalia Government that we, the African Government, guided with the determination of the policy of African unity, ought to be one, ought to be friends, ought to settle our problems peacefully with a peaceful discussion. Because the Leader of the Opposition did not know this, did not know how to conduct the affairs of Government, he wanted us to rush, he wanted us to go on shooting the people. He said in his speech our people were attacked in this way, were shot, and we did not retaliate. When we come to this House he stands there condemning our action, blaming us that we have not done anything. Yet, during his speech I did not hear one constructive word. His speech was full of *maneno* and nothing else. I do not want to indulge in the same, because the situation is grave. Therefore, I say to the Opposition that the

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time has come when it must learn what the Opposition means. Some of them say, "Oh, in national matters we will fully co-operate with the Government". Where is your co-operation? It is only lip service. I do not want to engage in these little unimportant things they do. All I can say is that we appeal to you to change your mind to know that the situation is grave and support the Government. Mr. Speaker, if they want me to show them how to govern or how people are governed, I am not incapable of doing so.

The Leader of the Opposition has said that no Minister has visited the area; a grave misstatement. Mr. Murumbi, who is Minister of State in my office, and who I have charged with the affairs of the Eastern Region, has visited this area several times.

Mr. Ngala: Korohara?

The Prime Minister (Mr. Kenyatta): He has visited this area several times.

Mr. Ngala: Not Korohara?

The Prime Minister (Mr. Kenyatta): I will ignore your talking just like I would ignore the talk of a baby. So, behave yourself my friend.

Mr. Murumbi has discussed matters of law and order in that area yet you can stand there and say that he has not visited this and other areas.

Mr. Ngala: Korohara.

The Prime Minister (Mr. Kenyatta): You can Korohara yourself. I will not pay attention to what you say because you have already proved you are not capable of speaking the truth.

The Speaker (Mr. Slade): Mr. Kenyatta, you must remember to address the Chair.

The Prime Minister (Mr. Kenyatta): I am sorry, Mr. Speaker.

Mr. Ngala: On a point of order, Mr. Speaker. Is the Prime Minister in order in saying that I am not capable of speaking the truth? When I sought assurance as to whether his Minister had visited Korohara and other places he has not given the required assurance. Is it in order for him to say what he has?

The Speaker (Mr. Slade): The Prime Minister was referring to your earlier statement, which was of a more general nature. The statement as I understood it, and he has obviously understood it, was that no Minister or Parliamentary Secretary had visited the troubled area. I know that you ended by asking for assurances about specific

places, but there were, at the outset, more general allegations on which, I remember, Mr. Mboya raised a point of order. I think the Prime Minister is in order in saying what he has said now.

The Prime Minister (Mr. Kenyatta): Mr. Speaker, Sir, as I said, Mr. Murumbi, who is in charge of that area, not only visited this place; he had constant talks with the Civil Secretary in that area. Only the day before yesterday, the Civil Secretary was here to discuss matters which concern the North-Eastern Region. So, if my friend was so keen to know the truth he would have known these facts.

As I said, we are doing all we can. The military and the police are working very hard in that area to bring peace. You are asking for my assurance. You think I am like you. You were not capable of speaking one iota of truth in your speech.

Mr. Speaker, Sir, I feel that two hon. Members of the Opposition could have contributed something—they are Mr. Muliro and Mr. Moi—but because of their leader, they had to toe the party line. I think they ought to have been the leaders instead.

Mr. Speaker, Sir, I want to end by assuring the House that the Government is doing what it can to bring those people in the North-Eastern Region into a peaceful settlement with their brothers in other parts of Kenya. The North-Eastern Region is not a foreign country, it is part of Kenya, and as such is going to remain part of Kenya whether the Opposition wants it or not.

Mr. Speaker, Sir, I feel that we must learn how to deal with matters that affect our country very seriously. We are not happy to declare this State of Emergency in the North-Eastern Region, but we have no option in order to give our forces effective power to enable them to move about. I think everyone of you is concerned with the welfare of Kenya. Anyone who has listened to the speeches made by the Leader of the Opposition would know that he has not the interest of Kenya in his heart. All he is interested in is trying to revive the diminishing numbers of the Opposition. Whether he likes it or not, Mr. Speaker, the Opposition is going to dwindle slowly until it has died a national death. It does not need me to do it. I emphasize "natural" in case you did not understand me.

Mr. Speaker, Sir, I feel that the Government has a duty to safeguard its citizens, and we cannot sit idle and see these people in the North-Eastern Region being maimed, intimidated and some of them killed.

An hon. Member: Give us power.

The Prime Minister (Mr. Kenyatta): Whether you like it or not we are going to have power.

So, Mr. Speaker, in conclusion, I call upon the Opposition to change its mind. Since they have lost their political advisers they are not capable of thinking politically. Mr. Speaker, again I appeal to the Members of the Opposition and to the whole country to co-operate with the Government to enable Government to do its duty. We must run Kenya, not for the sake of a handful of Members of the Opposition, but for the whole of the country. We must safe-guard the citizens of Kenya.

I think the Leader of the Opposition referred to my house at Gatundu. Maybe you are jealous. Mr. Speaker, Sir, this childish attitude shown by the Opposition is amazing. Your Leader has already referred to it, but if you were sleeping, I will tell you that he clearly said "Your house at Gatundu". There is no need to refer to Gatundu. I will tell you that whether you like it or not Gatundu is going to stand firm. He alleged that Gatundu has no telephone because he was remembering his little bush house in Giriama country. Mr. Speaker, Sir, when we engaged in such an important matter there was no need to mention Gatundu or anything else. We did not come here to discuss other matters. We came here to decide a matter of national importance, and before I sit down I want to assure the House and the whole country that this Government is capable of ruling and safe-guarding the lives and the interests of every citizen of this country, irrespective of whether he is black, white or brown, or whether he is Muslim, Christian, Hindu or of any other religion. The Government is the Government of the people, not the Government of a few Opposition Members. Therefore, I say in all sincerity that the Government will do what it can. We cannot do magic, but in the short time we have had to govern this country, I think we have shown, and I think the world has seen, that Africans can manage their own affairs just as well as any other people. We will do what we can to govern the country for the benefit of all the people. I hope and trust that you will remove that little petty Opposition ideology which you have in your mind, and come and support the Government in running the country for the benefit of the people.

The Speaker (Mr. Slade): I will put the question, but before doing so I must point out to hon. Members that as this particular resolution requires a substantial majority, we are required by our Standing Orders to go to a Division to establish that majority. Therefore, I shall put the question

as a matter of form. I will first take the ayes and the noes orally.

DIVISION

(The question was put and the House divided)

Mr. Agar: On a point of order, is it 65 per cent of Members present voting or 65 per cent of the House?

The Speaker (Mr. Slade): By the Constitution it is 65 per cent of all Members, and that, I think, even includes the hon. Member who has no vote, the Attorney-General. However that may be, even counting in the Attorney-General, 65 per cent of all Members is eighty; we require eighty votes in favour of this resolution.

Mr. Murgor: On a point of order, there are some Members who have not been elected for the North-Eastern Region and these seats are still vacant.

The Speaker (Mr. Slade): In the Constitution it is 65 per cent of all existing Members, not 65 per cent of all Members that might have been returned to this House.

Mr. Ngala: On a point of order, I rise to seek your guidance. My understanding of the Constitution is that the Attorney-General has no right to vote. Why should he be given the right to vote on this issue.

The Speaker (Mr. Slade): No, I did not say he is given the right to vote, but in determining what constitutes 65 per cent of all Members, you have to count him in as a Member. It is not that he has a vote. To arrive at what is 65 per cent of all Members, you have to include him in the total number of Members.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): On a point of order, Mr. Speaker, Sir, what is the existing total number of Members?

The Speaker (Mr. Slade): Another point of order has been raised by Mr. Achieng-Oneko. He wants to know for the purpose of this calculation present time. The precise number of Members at the Attorney-General, is 123. It should be understood that, under the Constitution, as it stands, the Speaker himself is not a Member.

(The question was carried by eighty-seven votes to thirteen)

(AYES: Messrs. Achieng-Oneko, Agar, Angaine, Anyieni, Arenian, Ayodo, Bala, Balala, Barasa, Bonnet, Bonaya, Chanan Singh, De Souza,

MOTION

ADJOURNMENT OF THE HOUSE

The Parliamentary Secretary, The Prime Minister's Office (Mr. Chanan Singh): Mr. Speaker, Sir, I beg to move:—

THAT the House do now adjourn *sine die*.

Sir, the purpose of this Motion has been clearly explained by you. I only wish to say that we do need an adjournment at this stage. We have had two sittings during this Session. One was a sitting full of grace and the other was full of quibbles. I think we need time to think about the proceedings this morning. The world will be thinking and Kenya people must also think. Clearly, something ought to be done.

Sir, I beg to move.

The Minister of State for Pan-African Affairs (Mr. Koinange) seconded.

(Question proposed)

Mr. ole Tipsi: Mr. Speaker, Sir, the Motion moved by my hon. friend the Parliamentary Secretary does not actually satisfy us, since the Motion is that the House do now adjourn *sine die*. It does not fix a date. In view of the present situation, I, personally, would like to appeal to the Government to consider the matter very seriously and request that not only the National Assembly but the country at large should be kept informed with regard to developments in the Northern Frontier District or the North-Eastern Region as it is now known. Sir, I think such matters concern the whole country, the whole population of this country, and it is up to the Government to keep us informed so that any further action which might be necessary to keep the whole country on the alert can be taken without wasting any further time.

Having said that, I would also request the Government to remember that it does not help to take action only when the red signal is given. As far as the development of this country is concerned, we must apply ourselves seriously to the progress of the entire area and in particular to those parts which have been neglected by the Colonial Government. I was glad to hear from the Prime Minister this morning that some big sums of money have been sent to the Northern Frontier District for various development projects to help those people. However, we cannot create a precedence whereby the neglected areas can only come to the attention of the Government when a disturbed situation arises, a situation of violence, terrorism or subversion. It is quite well known that the former Northern Frontier District—I can

[The Speaker]

Dingiria, Ekitella, Gachago, Gatuguta, Gichoya, E. D. Godana, G. Godana, Godia, Jahazi, Jamal, Kaggia, Kali, Kamau, Kamunde, G. G. Kariuki, J. M. Kariuki, Kenyatta, Kerre, Khasakhala, Kiamba, Dr. Kiano, Messrs. Kibaki, Kibuga, Kioko, Kiprotich, Koinange, Komora, Kubai, Lorema, Maisori-Itumbo, Makokha, Makone, Malinda, Marrian, Maiti, Mbogoh, McKenzie, Mohamed, Mongare, Moss, Mulama, Mungai, Murgor, Murumbi, Mutiso, Mwalwa, Mwanjumba, Mwendwa, Ndile, Ngala-Abok, Njeru, Njirri, Nyagah, Nyamweya, Obok, Odero-Sar, Odinga, Oduya, Okelo-Odongo, Okwanyo, Omweri, Onamu, Osogo, Otieno, Rurumban, Sadalla, Sagini, Seroney, Somo, Theuri, Towett, Waiyaki, Wamuthenya and Warlithi.)

(NOES: Messrs. Choge, Kamuren, Matano, Moi, Muruli, Mwanzandi, Ngala, Shikuku, Soi, Tanui, Too, Tuva and Tuwei.)

SUSPENSION OF BUSINESS

The Speaker (Mr. Slade): It is now past the ordinary time for the interruption of business. We still have a Motion on the Order Paper for the adjournment of the House *sine die*; that is when the House is to be adjourned beyond the next ordinary sitting day, and it is not altogether a formality. It presents an opportunity, not only for hon. Members to dispute the proposed adjournment, but also to raise any matter of administration with which they think Government should deal meanwhile, that is to say, before the House sits again. I think one should always allow at least half an hour for a Motion of that kind.

I propose, therefore, that we suspend business until 2.15 p.m. this afternoon. Business is suspended accordingly.

(Business was suspended at 12.37 p.m.)

(The House resumed at 2.15 p.m.)

[The Speaker (Mr. Slade) in the Chair]

The Speaker (Mr. Slade): Before calling on Mr. Chanan Singh to move his Motion, I must explain again to hon. Members what can and what cannot be done in the debate on this Motion. It gives an opening to hon. Members to discuss whether or not they agree to the adjournment of the House for a given period, or without any given period. It also enables any hon. Member to raise a matter of administration which he thinks the Government should consider while the House is adjourned, with a view to discussion when the House meets again. It affords much the same scope as a discussion on ordinary Adjournment Motions at the end of sittings.

[Mr. ole Tipsis]

see my friend on the opposite side trying to interrupt me—is comprised of such peaceful areas as the Turkana, Samburu and so on. I hope that these peaceful people will not be neglected at the expense of those who try to take the law into their own hands. I believe the Government will try to send some money there, because the conditions are the same, the geographical and climatic conditions are the same and these people who have been loyal to the country should be considered and helped.

I think this Government faces a big challenge and I have no doubt that a friendly Government can shoulder that challenge very efficiently. However, there is a "but" and a big "but". The Government must have a broader mind; it must, for the sake of the good of the country, try to forget the wounds of the past, try to carry this country faithfully ahead, try to forget the small parochial ideas. What we want is genuine leadership in this country. We want a true reflection, a national reflection, as far as the Civil Service is concerned. We do not want to walk into the Prime Minister's office and find that the whole staff from the telephone operator down to the office boy composed of one particular tribe. We do not want to find the same sort of thing in the Ministry of Home Affairs.

Mr. Murgor: Interjection.

Mr. ole Tipsis: Mr. Speaker, if my hon. friend wants to doubt it, I do not know whether you will give him time to shout about it, but I doubt it. Anyway, it is not surprising that he lost his whistle. He has lost his sense of direction and now he does not know where he stands. If he wants to hear politics, we can tell him that we want politics when he was being used by the colonial imperialists.

The Speaker (Mr. Slade): Order, order. Mr. ole Tipsis, we will come back to the subject matter in hand.

Mr. ole Tipsis: Thank you, Mr. Speaker, the point I was coming to before my hon. friend interrupted, was this. The Government must know that it has a very heavy burden to carry in this country, and in carrying that responsibility, of which I hope they do not need reminding, they must have a broad outlook. For the sake of the Government of this country they must take the various types of people to compose the population of this country, irrespective of whether they are backward or advanced or in the middle class. If the Government fails to do that, the thing will become top heavy and crack somewhere in the middle. I hope they will take this seriously.

The second point is that we read in the papers the other day of a defence pact between our Government and the Government of Ethiopia. There is nothing wrong in that, but I would hate to see, if we are to build an African unity throughout the country, the same sort of defence pact as those now prevailing in Europe. There are the N.A.T.O. and the Warsaw pacts but we do not want such things in this continent. If we are to unite this country, we want a peace pact. We must work for the unity of this continent, it is no good people trying to shout about the Shifta. I do not believe many of them have even seen the Shifta.

Mr. Murgor: On a point of order, is the hon. Member in order in speaking to this Motion, to talk about Shifta and other things which are quite irrelevant.

The Speaker (Mr. Slade): As I think I explained before this Motion was moved, when we are discussing the adjournment of the House beyond the next sitting day, it is open to any hon. Member to raise any matter which he would like to raise for the consideration of Government while the House is adjourned, or with a view to further discussion when the House meets again. These pacts are certainly among such matters.

Mr. Murgor: Mr. Speaker, Sir. —

The Speaker (Mr. Slade): On a point of order?

Mr. Murgor: I thought the hon. Member had finished.

Mr. ole Tipsis: I think we will excuse the hon. Member for being out of gear. The peace pacts which I was referring to are, I think, very essential. We do not want to create two opposite pacts to defend given areas because I do not think that is in keeping with Pan-Africanism. What we want are peace pacts with the neighbouring countries, and I believe that we in Kenya have a golden opportunity to lead the whole continent. This Government can snatch that golden opportunity to lead the whole continent.

As far as the administration and the financial matters are concerned, with regard to development, I believe that the present Government is confused and does not know what it is doing. On the one hand, they talk of African socialism. They have not produced a policy to say whether they are out for socialism or for capitalism. I think our people should demand that this confused state of affairs be put right. Sir, I believe that in various social services, the Government could be entirely wrong. I hear some people shout. Every time we meet in this House, whenever we raise any point

[Mr. ole Tipsis]

which our people expect from the present Government, all we hear is "Cross the Floor". The Government is here to provide the services which the people elected them into power; expect from them, but it is not a question of crossing the floor. I am not crossing the floor to Europe. I shall remain here in Kenya, whether I am on this side or the other side. With these few words, I think Mr. Speaker we ought to be told when the National Assembly will next be convened by the Government. We should not be kept in suspense in view of the present situation prevailing in the Northern Frontier District. We must be told. I beg to support.

Mr. Ngala: Mr. Speaker, Sir, the Motion is on the adjournment of the House *sine die*. I very much oppose this adjournment *sine die*, because the Government has a few administrative matters which ought to be made quite clear to this House. We want to know what decisions the Government has reached and whether these decisions have been taken.

The first point I want to make is on this question of the East African Federation.

Mr. Murgor: On a point of order, Mr. Speaker, I just want your guidance on this question. I was referred to by the previous speaker, Mr. Tipsis and I would like to know whether I am to reply to him or not.

The Speaker (Mr. Slade): Your position is the same as any other Member, Mr. Murgor. You may or may not be lucky enough to catch my eye.

Mr. Ngala: Mr. Speaker, Sir, the first point is that the Opposition has been promised a clear explanation of the talks on the East African Federation. We are very interested and the people are waiting to hear what steps the Government will take and what explanation it can give to this House. It is true that the first talks flopped, but we understand that they were taken up again by the Minister for Home Affairs, and it is high time that the country and the House should have an explanation on what point they have reached. This is the first point, Sir.

The second point is the question of the future of teachers. There was the Pratt Commission and the Government clearly issued the report; it says it is not committed but that it recognizes the urgency of the matter of the Commission. We would like to know whether the Government does agree with the Pratt Commission on the position of the salary scales after *Uhuru*. We now have *Uhuru* and we want to know whether the

Government will have these scales. We are particularly keen to know the future of teachers because in the past they have not been placed anywhere, and this is a question of administration. Therefore, it is very, very important that the House continues to sit and that Government explains to the country. Knowing how this Government works, we do not want to adjourn *sine die* and find that Ministers just sit down and do nothing. We would like to have the position on this made clear.

Turning now to the question of unemployment, when the Minister for Labour and Social Services, who is responsible for employment, arrived from a certain country about four days ago he said that he had a plan to provide opportunities for work in the country. The Minister for Agriculture went out of the country afterwards—and, I believe, another Minister—and then came back, and we want to know how much they have borrowed, because this Government is only capable of borrowing. They have particularly asked for consent to borrow up to £4 million, and we want to know whether they have reached that target or are still below it. This is very important. Sir, administratively, particularly in a country which has just achieved independence. Therefore, we want to know about the unemployment problem and how it is going to be solved in this country in view of the promises which certain Ministers recently gave to the country.

This is also a question of administration. We have thought in the Opposition in the past that policy of loans—borrowing—and the administration of these loans should be changed, so that the less progressive and developed areas are also considered: those of the Msai, Samburu, Pokomo, Turkana and so on. The Prime Minister has just stated that he has some projects concerning development, and we want to have a clear and detailed statement on how the administration of this undertaking is going to be carried out. It is no use adjourning the House *sine die* and leaving the whole thing. We are now familiar with the Government's attitude of only playing to the gallery, yet doing nothing in the field; we want a clear assurance that the Government will do something. We are all happy that these projects are being mentioned here, but we want to know whether the administration of loans has been put right.

Government has recently said that it is going to have a toll-road system and that it is employing somebody on this. We are interested in this and want a clear statement on the administration. Is the report out? The Government told us that the officer concerned would need only three or four weeks, but it is now over five weeks and

[Mr. Ngala] We want a clear statement on what Government's policy is on the administration side. We are not suggesting making laws, we are talking about the administrative action which Government intends taking on these subjects. Therefore, I feel very strongly that there are important issues of administration which are outstanding and it would not be justifiable or fair to the country to adjourn the House *sine die*.

There is the matter of settlement schemes. We have had many people coming out of the forest and we want to know what arrangements the Prime Minister has reached with these people, whether the problem will be solved by a settlement scheme, by giving them employment or by creating a special unit in the army. These are points of administration we want to know about in this House: it is no use adjourning *sine die*.

Mr. Speaker, Sir, with regard to the question of squatters: I would like to know the problems concerning different squatters. We still have these problems round our necks. The Government has given an undertaking that it is going to solve them, but the problems are increasing to such an extent that independent Africans, people who have had *Uhuru* now for about fourteen days, strongly feel it cannot solve their problems as settler squatters. Unless the Government wishes to get a position of disorder—

Mr. Murgor: On a point of order, Mr. Speaker, the hon. Leader of the Opposition has said that we have had *Uhuru* for fourteen days, but is it not nineteen, Mr. Speaker?

The Speaker (Mr. Slade): I cannot have hon. Members interrupting with such frivolous points of order as that. Hon. Members of the experience of Mr. Murgor know very well what is a proper point of order and what is not, and if they raise fraudulent points of order they are not only doing themselves an injustice, they are setting a very bad example to the whole House. I hope we shall not have anything like this again.

Mr. Ngala: Mr. Speaker, Sir, the other point I would like to touch on is the question of the Rift Valley and the Western Region. Having made the law, we want to know, as a point of administration, when the Government is going to implement it, so that the Kitale issue is solved once and for all. The Government should make a statement on this. The Regions concerned have already carried out the necessary action. We understand that the Government upheld the legal action which was taken by the Region, but asked them to suspend the implementation. We cannot

just adjourn this House *sine die* and go back and sit down, because a troublesome situation might arise. The quickest and easiest method of dealing with it, that the Government could adopt would be to declare another State of Emergency, I suppose. We do not want this; we want the matter to be thrashed out here and the implementation of that law to be carried out.

Then there is the question of the transfer of powers to the Regions. I am glad that the Prime Minister has acted quickly on this and that a committee has been set up, and so on, but we want to know how it has been finalized, whether or not there have been difficulties, whether everything is all right and the transfer of powers has gone on smoothly. This is a question of interest to the whole country and the Government cannot run away from its responsibility on this.

Another point I wish to touch on has already been mentioned by the hon. Member, the Vice-President of the Rift Valley: the question of the defence pact which very seriously concerns us. The Minister in charge, the hon. Member for Nairobi South, the Minister of State, can give us some explanation as to the administrative points of this matter of the defence pact between Ethiopia and Kenya, and how far they have gone—these are points of interest—so that the people in the country may know what Government is doing, administratively, and what it intends to do. We are not asking the Government to reveal secrets, but where something definite has been decided and can be genuinely revealed to the country I think it should be revealed to this House.

Therefore, Sir, I consider it is very, very important indeed that this House does not adjourn *sine die*, and I would urge the Government to give a date so that we can come back and thrash out these matters of administration which are of great importance to the whole country. I see that the Minister for Agriculture is very keen to speak. Probably he will be very much handicapped by the resolution of the Government, and I hope he will support me very strongly indeed.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I gather that this type of Adjournment is used in Parliaments in the Commonwealth to give an opportunity mainly to the Leader of the Opposition and one or two shadow Ministers to discuss matters on the Adjournment. I gather also, Sir—and I do not know whether I am right or wrong on this—that usually half an hour is considered ample time for this. Therefore, Mr. Speaker, Sir, under section 70 of Standing Orders, may I claim that the Mover be now called upon to reply.

The Speaker (Mr. Slade): It is the practice on Motions of this kind to apply the closure at some stage, and any time after half an hour's discussion may be a reasonable stage. On the other hand, the purpose is not only to give the Opposition a chance to ventilate their views, but also to give Government the opportunity of answering any views which have been expressed and, again, it is intended that Backbenchers should have an opportunity to speak.

If no Minister wishes to speak, I think I shall allow one Backbencher a short speech, when I have sat down, after which I will entertain the question of the closure.

Mr. Kiprotich: Thank you very much for giving me this opportunity, Mr. Speaker, Sir, but I must warn the Leader of the Opposition that, as far as the Kitale issue is concerned, the land of the Kalenjin will never go anywhere else. If they think they are going to promote their political issues by using Kitale, Muhoroni or Sotik as sticks to beat the Government with they are making a big mistake. I am standing to say that not even an inch of the Kalenjin land will be taken by non-Kalenjin. Mr. Speaker, I am opposing the statements made by Mr. Ngala on the Kitale issue. I am urging the hon. Member, the Leader of the Opposition, Mr. Ngala, to sell his own land to those who support him, otherwise Kadu is not there in my own constituency.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Sir, now that one Backbencher has spoken, as you ruled, I would like, under Standing Order 70, to move that the Government Mover be now called upon to reply.

Mr. Gichoya: On a point of order, Mr. Speaker, I wonder whether the Speaker could give opportunities to more Backbenchers to express their views on certain matters before we adjourn *sine die*.

The Speaker (Mr. Slade): I must point out that I must leave it to the House to decide whether or not they want to debate any further discussion. It is quite open to the House to negative the closure at this stage, but I have no power of withholding the question of the closure until all possibility of further speeches is exhausted.

(The question was put and negatived)

Mr. Gachago: It was unfortunate to hear some of the views expressed by the Leader of the Opposition during this morning's debate and I would like to believe—although we had a division—that the speech of the Leader of the Opposition does not reflect the views of the entire Opposition. I would like to believe—

The Speaker (Mr. Slade): Mr. Gachago, you cannot go back to this morning's debate. You must only speak on the Motion now before the House. It is a Standing Order that we cannot in one debate discuss what has already been debated earlier.

Mr. Gachago: Thank you, Mr. Speaker. What I wish to say is that while this House adjourns *sine die* I do hope that the Opposition will consider their position so that when the House reassembles they will have fresher minds in order to be able to discuss matters with a more constructive attitude. Although I agree with your ruling that I should not go over the matters that we discussed this morning I should like to know if I will be in order to—

An hon. Member: Sit down.

Mr. Gachago: I will not sit down.

The Speaker (Mr. Slade): Order, order. It is not for hon. Members to demand of hon. Members who are speaking that they resume their seats.

Mr. Gachago: Mr. Speaker, Sir, I support the Motion with the view that when we reassemble the Opposition will have considered their position with regard to the matter we discussed this morning, with a more national attitude.

The Speaker (Mr. Slade): You cannot pursue that now, Mr. Gachago.

Mr. Gichoya: Mr. Speaker, Sir, I stand to support the Motion as put by the Government. However, I feel that we should mention certain things which ought to be done during the period of recess for Parliament.

The first point is the question of the Mwea Rice Scheme, a scheme which at the moment is under the control of the Central Government and is self-contained. This scheme needs the attention of an efficient Minister who will go into the various problems of the tenants. These problems are things like water supply, accommodation, road facilities, transport, dispensaries, et cetera. These are the things I believe the Government, when given an opportunity to recess for a while, will consider. The Ministers will have sufficient time to consider the many administrative problems and remove various difficulties confronting the people who live in a free Kenya.

Now that we have achieved *Uhuru* it is no longer a question of fighting for it. The new problem is the development of this country so that our people will realize that they have got *Uhuru*: complete freedom. It is no longer a question of stoganistic freedom whereby we shout

[Mr. Gichoya]

Uhuru: we have got the freedom and all we have to look forward to is the development and progress of Kenya. To do this the Ministers should have time to go deeper into, and find out what is lacking in their respective constituencies.

Mr. Speaker I need not go into the question of what happened in this House this morning but I would like to say a few words on what transpired in the Senate which is also part of this National Assembly. Unless and until our Ministers are given sufficient time to find out what should be done in the Northern Frontier District or the North-Eastern Region, we shall ruin our Government. The Senators refused to co-operate. Government needs to consider what are the necessary steps to be taken as from today. The Senators refused to give us a "Yes" certificate in order to enable us to safeguard the lives of the people.

The Government must consider the necessity of recruiting the Youth Wing of this country and putting them up as the second defensive force of Kenya. The Government must give them food and clothing. The Government is satisfied in coping with the existing laws of the country in order to defend the North-Eastern Region from being captured by the Somalia Government. We are at war and there is no question of treating this situation otherwise.

The Speaker (Mr. Slade): Mr. Gichoya, you must keep off matters which have been discussed this morning.

Mr. Gichoya: There is secondly the matter of administration. We now have people from the forests and this is a very big problem. However, the Government must tell the House what steps are being taken, and it is not very easy to get the answer within this House unless the programme has been set by the Government. Some of these people ought to be resettled and I accept that fact, Mr. Speaker. Nevertheless, we have young men who have left the forest recently and their mentality is to fight when directed to fight. These people need to be absorbed into the armed forces of Kenya because our armed forces are not so big that we cannot accommodate more people. Our administration should go deep into this subject and get these young men into the armed forces of Kenya and not just put them into any service whatsoever. They should not be put in the political field because not every person can be a politician, in as much as not every person can be a businessman, nor can every person be a farmer. Before the Parliament meets—even if it means keeping Parliament in recess for one year—a specific programme should be drawn up for

these people who have come out of the forests. I feel it is absolutely necessary that these people should be rehabilitated as soon as possible, some put in the armed forces; others given land for cultivation; and, if necessary, some should be given pensions. They have been fighting for Kenya's independence and vowed never to come out unless the African flag reached the top. Today the African flag is uppermost. Therefore, I believe that the Minister concerned, with the help of the people concerned, should initiate a rehabilitation measure for the people who have come out of the forests. It is the duty of the Ministers to see that these people, who have spent ten years in the forests, have a place ready for them and have something to live on. A Member of the Opposition asks who sent them to the forest. The answer is that the hon. Member is in this House by virtue of the bloodshed and struggle of the people who were in the forests. The survivors who have come out of the forests are the monuments, today, of the fighters for our independence. Mr. Speaker, whether the administration accepts this or not, the fact still remains, and it will never change, that these people are the living monuments of those who really sacrificed their own lives so that we might be free. That is why it is up to the Government to put before this House what programme it has for these people so that they can take their rightful places in the new society, the free society of Kenya.

Thirdly, a point was raised by a Member from this side of the House with regard to the appointment of ambassadors. This is also an administrative problem. My district is very small but it has a potential and should be represented in various activities of nation building. It should not be that only the Cabinet Members have a say in appointments to the Civil Service, the foreign service or even the local government service. The appointments to the services should not be just expressions of political platitudes of unity. Unity must be based on concrete steps. We must know that Gichoya or Njirii is somewhere and that we should not have just one or two tribes. Everything should be on an equal distribution. Why are some people communists? Because they want masses. That is why, during this period, we give the Ministers time to prepare with a free mind what is best for us. They must work and find a policy whereby all the services will be more national than tribal. I must have the right to say that in my own district, though small, the people should put up their own silal or rice factory in preference to a factory as ordered by the Minister. We do not want a factory which is going to be

[Mr. Gichoya]

financed by a particular group without considering our people. My people must be consulted as to what is best for them. I also need this time of recess to be nearer to my people, my voters. I am a servant and an employee of my people. I must make plans which I can submit to the Government for their approval. I have a big programme in mind. We have a factory set up in the Eastern Region while the raw materials are produced in the Kirinyaga District of Central Region. I am prepared to make my Kirinyaga people, my Gechugu people, capable of processing the whole crop which they produce within that particular district. We must be able to process the things we grow in our own areas so that we can offer employment even to some of those people who have come out of the forests. In my district, there are people who have lived in the forests for ten years. If they come to my house, what am I going to tell them? They need employment. If I cannot feed myself adequately, how on earth can I feed other people who need more than just mere feeding, who need clothing, and shelter? Therefore, I say we must have industries put in right places. I would be the last person to support any mission whatsoever which denies us the right to process rice in my area. I would even challenge the Minister if it comes to that. There should be one factory in Kirinyaga where we can process the best rice in the whole of the African Continent. There is a factory in Thika and others in Mombasa. Why should we grow rice in my area and have it sent elsewhere for processing? I even went, so far at one time as to ask the Leader of the Opposition to give me one good reason why the rice from my area should be processed at the Coast. We must have a factory for rice processing in my area so that we know we are not being exploited. Exploitation is not necessarily directed by a white man or an Asian. We can exploit one another as I have just said.

I take this opportunity to thank the Member who put this Motion of adjourning the House *sine die*, so that I can express what I could not otherwise have done. When it comes to the question of socialism we are lucky enough to have an economist as a junior Minister who is Chairman of the Economic Planning Commission of this country. He has to suit the African theology or theory, for that matter of African socialism with the accepted socialism, because if we talk in terms of socialism it means there is only one universal socialism. If we call it African socialism, it is a question of orientating universal socialism into the African customs in this country. I am dealing with the man who is supposed to teach us African socialism which is designed to suit the

African traditions and ways of thinking. That is the African socialism.

Just a few days ago, we voted for a number of million pounds to be borrowed. Is this money to enhance the Ministers' salaries, the Parliamentary Secretaries' salaries and the hon. Members' salaries, or is it to pay the Regional Members' salaries? This is the answer which the planners should give us: it is not just for salaries of Ministers, but it is for developing industries in various corners, so that my mother and father may see the real *Uhuru* manifested in a concrete form. We do not need to fight for *Uhuru*. What is needed is the practical approach so that we can show people like my mother and father that this is the real *Uhuru*. There should be free education, but as a matter of fact, we are paying more than we did before.

Mr. Agar: On a point of order, Mr. Speaker, is it not in order for the Speaker to restrain a Member from repeating the same points over and over again so as to give other Members a chance?

The Speaker (Mr. Slade): That is so. If an hon. Member is too repetitive, the Speaker may rebuke him. As a rule, the Speaker prefers to leave it to hon. Members themselves to raise points of order if they have had enough repetition. Mr. Gichoya has been talking for quite a long time, and I shouldn't blame anybody for moving the closure at this stage.

Mr. Gichoya: Mr. Speaker, I will be very brief at the end, and say this—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, is it not in order for you to make a ruling on how many minutes a Member may speak.

The Speaker (Mr. Slade): I am afraid not. That can only be by resolution of the House.

Mr. Gichoya: Mr. Speaker, I will give my colleagues an opportunity to discuss the issue, and to put their view-points forward. Before I end, I would like to say that Kirinyaga, which is a new district and has no proper commercial town, requires the attention of the Government of Kenya.

Mr. Agar: Thank you, Mr. Speaker, for giving me this opportunity. While we accept that this House is going to adjourn *sine die*, I would like to say that there is wide-spread dissatisfaction on some of the policies even on the present National Anthem of Kenya. I have to put this before the House because everyone speaks about it.

Another point is this. There are a few things that are mentioned by the Governments, for

[Mr. Agar]

example, the issue of ex-Mau Mau as was stated by the Prime Minister. The Government stated that the Minister for Pan-African Affairs was going to announce a plan by which the Government is going to help the ex-forest fighters. Things like that are rather serious matters because they may involve the use of public funds. A person in Nyanza Province or the Coast Province feels rather worried that a certain amount of money from his pockets is going to be used when the Member for this constituency cannot explain how such decisions were reached. We therefore request the Government to consult the House before using public funds. I suggest that when the Government goes into the question of assisting ex-Mau Mau leaders, there should be a committee consisting of certain Members of the House, both from the Government and Opposition Sides to work out an acceptable plan.

The Government has not done anything towards settlement in areas other than the Rift Valley and Central Province. It was agreed that area "A" and "B" between South Nyanza and Masai country were going to be given to the South Nyanza area, and a section of the population from crowded areas was going to be settled there. Up till now, no decision has been made, and no plan has been put forward, so we are wondering why it was said that they would be settled. We keep hearing from the radio and reading in the newspapers that settlement is being carried out in certain areas. There is also a plan to settle the Muhoroni area. Government announced through the regional government agent that people should apply for plots of land, but after they applied for them, no effective plan was made as to where and when they were going to be settled. You hear of the plan still not being carried out and wonder why Government announces that there is going to be settlement scheme. We hear of some areas being allotted more money for their settlement schemes, while others are being neglected. Those are the people who are asking where *Harambee* is.

A Member mentioned a development plan for Kenya. I feel the manpower that the Government has in the Ministry of Finance and Economic Planning should have helped with a quick job of planning. During the time when we had internal self government up to the time we became independent, I would have thought there was time enough for the Government to have worked out something, so that by the date of independence they could have given a direction to the country with regard to such a plan, how long it is going to take, and so on. We authorized the Government to borrow money from overseas.

but people wanted to know where it was going to be used. Some people think it is going to be used to pay pensions to outgoing civil servants, and things like that. We demand in this House that the country should be given a direction. This is the psychological moment when the people are enthusiastic about building the country, and no plan has been produced or publicized by the Ministry of Information, so that the people in the districts and locations know exactly how the Government is going to assist them, or what plans are going to affect which particular areas. They want to know exactly what they can do for themselves on their own initiative, and also what they are going to get from the Government. It is getting too late, there has been too much delay.

We also demand that when Ministers visit the various areas where they know there are problems, they should consult with the respective Members. It is no good just listening to the district officer at the district headquarters, or consulting the regional government agent then flying back to Nairobi. That is a waste of Government money. We want the Ministers to sweat and work. They are political Ministers, they were elected to work for the people, to satisfy the people, and to fulfil their promises. You hear of Ministers going to visit a place, and not even seeing the Member for that Constituency. Also, when you ask them to come to visit a certain area, they put you off and say that they are too busy, too occupied. We have not been given anything from this House to tell the people, nor is anything publicized, so people are left in the dark. We demand that something be done about this.

Mr. Speaker, Sir, the last point I want to make concerns the question of appointment to the foreign services. There is a kind of confusion in this regard. People grumble here and there. Sometimes you get the impression that Government is choosing posts for people according to merit; sometimes you get the impression that Government is appointing people according to tribe; sometimes you get the impression that Government is appointing people in order to do certain favours. It is very important that we unite the country, but it is also important that the Government appoint people with the highest qualifications to maintain standards. The world is not going to excuse Kenya, saying that they fore they have inferior staff and inferior standards. We therefore demand that the Government should think again on the question of selecting people to occupy key posts both within the country and abroad. I must say that

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up to now, personally. I have not been satisfied with the appointments. I know that certain talent is being wasted because some people are not in favour with certain politicians.

With those remarks, Mr. Speaker, I support the Motion.

Mr. Shikuku: Mr. Speaker, I am going to be very brief. I know this Motion is going to be steamrolled through and that there will be a decision, as usual, that we adjourn *sine die*. May I, though, point out one or two things?

We on this side of the House are as important as those on the other side of the House. Many points have been raised by Members on the other side of the House with which I agree, especially those made by the two last speakers. I would like to say that I feel that the Government has been a little too tired to make the Ministers work, and you cannot do that unless you have sufficient time in this very House to tell them that they are sleeping and that they should get on their toes and do something. They will never do that if they go to Butere, which is 270 miles from here and go around there. I agree with the hon. Member, Mr. Agar; one day a Minister came to my constituency, at Butera, and when I arrived at Butere I found he had gone. I do not think he knows more about Butere than I do, and the only way to tell the Ministers and make them realise—

Mr. Warithi: On a point of order, Mr. Speaker, under Standing Order 70 I move that the Mover of the Motion be called on to reply.

The Speaker (Mr. Slade): We have had quite a long run on this now. It is not possible to allow every hon. Member to speak. I think we ought to allow Mr. Shikuku just a minute or two more, and then I will allow the question to be put.

Mr. Shikuku: Thank you, Mr. Speaker, I thought I was out of order, and that the hon. Member was standing up to speak on a point of order.

The Speaker (Mr. Slade): It is quite in order for an hon. Member to rise on a point of order to move the closure at any time, even when a Member is speaking.

Mr. Shikuku: Thank you, Mr. Speaker.

I would like to refer to the civil service particularly. I agree with the last speaker on this, that there is a sort of friendship being carried on in the civil service. We have a shameful instance. We heard over the radio and read that one of the people in the civil service had been

promoted, only to find that it had not been gazetted. Such a matter cannot be raised outside this House, but it can be raised here, and as a matter of fact I have put in a Motion so that I can hear full particulars on this from the Minister concerned. It is a disgrace, particularly to the Abaluyia. We do not see any reason why this should happen; this Government is supposed to be responsible, and they should be telling the people of these things, over the air and in the newspapers, and yet we find that the name of that particular person is not included in the Gazette. It is a shame, and I feel this is one of the reasons why the Ministers are afraid to have the House sitting because we give them a piece of our mind. If this is the attitude of those in the Government, and if they try to get away with things like this, they should go.

I feel it is a disgrace that none of the Ministers are here. This is a very important Motion, yet none of them are here to listen to what we have to say.

Mr. Anyieni: On a point of order, is it in order for all the Ministers to be away when we are discussing this?

The Speaker (Mr. Slade): Order, order, I cannot say it is out of order for Ministers and Parliamentary Secretaries to be absent from this House, but it shows very grave disrespect to the House that there is no Minister here.

Order, order! Hon. Members will stay silent when the Speaker is on his feet.

It shows grave disrespect to the House, and the House is quite entitled to record its resentment.

Mr. Shikuku: I am very glad, Mr. Speaker, for your ruling, but I also feel it is time we—

Mr. Anyieni: On a point of order, I do not know whether it would be in order for the House to adjourn for a few minutes and the Ministers be called here.

The Speaker (Mr. Slade): No. I shall have to ask you to conclude very soon, Mr. Shikuku.

Mr. Shikuku: I am concluding now, Mr. Speaker.

The other very important point, which has already been raised, is that I have been asked by my constituents to find out—I do not know how this will be done—about the suggestion by very important people in the Government concerning our brothers who have been in the forest; that they should go to fight the Somalis; I feel that this is a very important issue, and I do not feel

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We should make any bones about it. If these people have to be paid for fighting, first of all they must be fed before they can go and fight those in the N.F.D., the Shifia. In order to be brief, as time is running out, I feel the Government should be on its toes, and the only way to do this is to have the House sitting, and in that way we shall find out what each and every Minister is doing. Fortunately, we now have one in here. We can only find out about this when the House is sitting. There are many things, especially with regard to the civil service appointments which are completely unsatisfactory as far as my people are concerned, the Abaluyia. They are not being considered for the civil service at all, even though the best brains in the civil service are Abaluyias.

With these few remarks, Mr. Speaker, I beg to oppose.

Mr. Warlithi: On a point of order, Mr. Speaker, under Standing Order 70, I beg to move that the Mover now be called on to reply.

(The question was put and negatived)

Mr. Masinde: Mr. Speaker, I am glad I have been given this opportunity to speak on this Motion. We are speaking to ourselves and to the Government backbenchers, and in this Motion we are giving a chance to the Ministers to sit in their own homes instead of doing the work of this country. This is not the stage for any of us to think we can go back to our constituencies. What are we going to do there? We have all sorts of plans, and if the Ministers want to carry them out they have to say that they are now going to put them into practice for such and such a period, and when we come back this will have been implemented. At the present time, when there are lots of problems in the country, I do not think it is necessary for the Ministers to ask for leave. They will probably say that they do not have the time because they come here, and when they do that we take most of their time, but when they come here they do so to tell us what they have been doing. We ask them questions and make suggestions. So far, no single Ministry has said that with the money they have or the money they have borrowed, this is what is going to be done. The Minister for Finance and Economic Planning so far has not given a programme for development throughout the country, and yet we are being asked to go back to our constituencies. What are we going to tell our constituents? We leave the Government in Nairobi sitting here

and go back to our constituencies, yet when we come back people are dead, and we have an emergency issue such as this to deal with, but yet they say that the House is to be adjourned *sine die*. We are not going to have this.

Kenya is a very young independent country. The Ministers have to work day and night; if you accept responsibility, you must carry it. There is no question of only working during the day if you have a problem, and the problem we have is one on which I have spoken to my constituents. We have borrowed a lot of money for the Minister for Settlement and the Minister for Agriculture. This money is not being spent properly. Kenya is going to find itself bankrupt within no time. All the money now invested in large settlements will not come back. That is why we need to present to the Ministers the problems which are facing people now. They are starving, some of them were given just ten acres, they have no food, no hospitals, no facilities at all. They are now being asked to wait until they get a harvest, and this will take a year. Government says it will help them with a subsistence allowance for six months, and it withdraws the rest before a man is able to get crops from his farm. On this the Ministers say the House must adjourn before we get clarification on these problems.

Many hon. Members have spoken on matters affecting the civil service. We have a motto, *Harambee*, but it is becoming difficult for me to say *Harambee*. An ordinary man in my constituency asks me if this is what is meant by *Harambee*. There are various industries in Mombasa, Nairobi, but so few outside these places. It becomes very difficult to go home unless we can say that we are doing this for the Western Region, we are doing this for the Eastern Region, we are doing this for the North-Eastern Region. Then we can go home when we know that we can tell our constituents that this is what the Government is doing. We are now independent, we have no rulers at all. We want to see the development plans for the country being carried out. We want to see all these things we were promised being put into practice. Therefore, it is necessary for us to oppose the idea of adjourning the House so that we get the Ministers to tell us their plans. We do not know how much money they have borrowed, nor how it is going to be spent, and this is what we cannot afford to allow the Government to do. A lot of mistakes have been made, we have abused the previous Colonial Government, and now we have our own Government. If we make mistakes today in this House, we shall be ruining the future of this

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country, and we are not prepared to let this happen without question, without giving them proposals so that they carry out their duties properly. It is more than six months since the Government has been in office, and if you have not yet decided on definite projects, then I do not think you can ask us to adjourn *sine die* now.

With these remarks, Mr. Speaker, I beg to oppose the decision to adjourn.

Mr. Ngala-Abok: Mr. Speaker, I support the Motion, but as usual I have to express my feelings with regard to some of the things I expected the Government to do long before we achieved independence. Now that we are adjourning the House *sine die*, I know that the Government will let us know clearly and in concrete terms the practicability of some of the policies we advocated when we were fighting for votes. We know that the party which is now in power had a Manifesto, and this Manifesto has not been implemented. Since the Government was formed, it has not looked at what it told the people it would do. There was reasonable excuse some months back when people were still working for *Uhuru* and the Government was busy discussing the Constitution and arranging for the achievement of independence. However, immediately after the Government was formed, an economic planning body was also formed, with the junior Minister for Finance and Economic Planning taking the Chair. He is an efficient man in our community, as far as I know, but he is failing in his duty in that he has not taken practical steps to see that industries, economic planning, the acquisition of raw materials and so on have been arranged in such a way that the people will be satisfied. The moment we fail to follow the Manifesto and the policies we advocated during the time we were getting votes, we shall be getting weak and eventually another Government of a weaker party—probably the one on the other side—will be in a position to claim that they can form a better Government. We have the best brains here to carry out the work.

We have the best place here to do the work. There is no point in any person coming here to tell me that we are too busy. You cannot be too busy with a plan which is already there in the Manifesto. There were a number of things we said we could embark on immediately after forming the Government and we have already voted for considerable sums of money to be borrowed from overseas. Why have we not kept to the Manifesto?

Another thing I would like to say is that the youths are almost burying us alive. They feel

that because they voted for us, organized our meetings and thus got us into Legco, we should now get rid of the chiefs and replace them with the youths. We were supposed to get them into the police immediately we got into Parliament and also try and get them into the military force as soon as possible. They received Sh. 60 per month for the services they rendered during the campaign. It is now up to the Government to tell the youths that they have no programme for them; if it is true that they do have something in mind for these youths, they must say so and we will find ourselves in a better position to explain such things to the youths. I am a part of the Government and I will be able to convey to the youths what the Government as a whole, and my party as a whole, have in mind for them. However, not to be able to tell these youths anything, to be wandering around my constituency aimlessly is very frustrating for both parties. We have a Government which does realize its responsibilities to the youths, but if it is immature—as it appears to be at the moment—it could go to certain places like Ghana, Tanganyika and so on and find out what they did for their youths. What security do we have in this country? When the Prime Minister is about to visit certain areas we look to the youths to organize the meetings, or even to organize meetings for the General Secretary of Kanu, and these youths go into the fields and various places and get the people out to the meetings. We must be in a position to tell the youths that we will recruit them into jobs.

I understand that the Ministry of Defence has already forwarded a plan to the Ministry of Finance saying that the youths could be recruited into the army. However, that letter is still lying in the office of the Minister for Finance. When is this letter going to be dealt with so that our youths can enter the military force? I know that it is difficult to do something for the youths at once, but it is always possible for our Government to explain to the country what it has in mind. The Government could appoint a Minister responsible for youth, culture, co-operatives and so on, so that we could have some person to interview the youths.

Mr. Speaker, Sir, administrative officers in the field are now under a completely different Government. The Colonial Government used to give them directions every time something had to be done. Recently, however, I heard some of them say that they did not even know at what time they were to raise the new Kenya flag. They rely merely on their brains. There is no direction from Nairobi to the regions and from the regions to the districts. No direction at all. Why do we not make use of the few white

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men who are still here to make us carry out our orders. The persons who should come and give directions in my district, as was done in the old days, is no longer there. The people who do come are ambiguous because they do not want to come and say things against me, they do not want to say things against the Prime Minister. However, they would like to get adequate direction as to the manner of doing the right thing, to be told whether they should carry out the former policy or whether there is a new policy for them. This is what must be told to them during the time Parliament adjourned *sine die*.

I now come to the point of land consolidation. Land consolidation is accepted all over the country, but can we not get some one responsible for sending officers to the field to see the people who accept land consolidation and help them to try and put it into practice. We tell the people to accept land consolidation; they accept it, but the initiative must come from the Government.

I have spoken on economic planning, but there is something further I would like to add. Every district has peculiar and different types of cash crops. Raw materials are also quite different in the various districts. These districts must be surveyed and industries must be enlisted. We must try and find out which industries are reasonably required, for instance, in my district, which is South Nyanza. Many new districts have been created and South Nyanza was the first, even before Busia and such others. I am waiting to see if any newly created district which comes after my district will receive attention before my district. That is when we shall know that the Government is not the Government for the people but the Government for the areas.

Among the newly created districts mine was the first and we have a lot of raw materials and other things that could be processed in that very district, and that is why I say that we should receive first attention from the Government. If I see that steps are being taken to implement certain economic projects in other districts which have been created after my district I know that this will be a miserable state of affairs. I should not like to see this happen. Many countries have achieved independence and they have organized programmes which have satisfied the people. I would advise the Government to go to these countries for ideas and suggestions.

I am sure the Government will say that they know what has to be done and are aware of the true position. However, I feel that we must get the Ministries reshuffled. I do not want to be specific with regard to the names of Ministries

which need reshuffling because I fear I will hurt the feelings of certain Ministers. All I would like to say is that yesterday we were to discuss the position in the North-Eastern Region but the Minister for Defence did not even come to brief us. This was certainly terrible. When the back-benchers or the Parliamentary group meets the Minister in charge must come and address the meeting. We do not want the General Secretary of Kanu all the time addressing us on matters which are not his responsibility. We do not want the Minister for Home Affairs addressing us on matters which are not his responsibility. The Ministers never appear before a Parliamentary group meeting. This is not good. This means that we are not being addressed properly and I would like to see certain things done.

Mr. Speaker, Sir, I beg to support.

Mr. Oduya: First of all I would like to thank you, Mr. Speaker, for giving me this opportunity of expressing my views.

I would like to begin by mentioning something about the administration of this Government. The Government of this day is completely incompetent. To govern this country, they give directions which are not carried out. There is nothing practical. We all hear things about what is going on, but if you look around you will realize that nothing practical is being done. This Government has just proved through its own actions that it is acting in the interests of a few individuals. Individuals have taken this Government into their hands and they want to use it to benefit their own purses. The country is not going to tolerate such a state of affairs and I urge my colleagues in this House not to allow room for any group of individuals to think that the Government of this country lies in their hands and not in the hands of this Parliament. We have a Prime Minister and a Cabinet, but if the Cabinet does not give proper instructions to the Prime Minister then how is this country going to be run?

I want to talk on the position of the policies of this country. Each Minister must, of course, have direction as to the way his particular Ministry should be administered. For example, when the Minister for Commerce and Industry, who is responsible for giving loans to the people, etcetera, visited my area, Busia District, he gave assurances that certain things would be done but now he is back in Nairobi and we have heard nothing further on the matter. In my district, the people grow cotton and Busia is the chief cotton-growing area in the country. Nobody can deny that. If you deny that you can go to the Department of Agriculture to verify the fact. When the

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Minister was in my area, he gave a lot of assurances with regard to industries but now we hear that industries are going to be started in Kisumu and Mombasa. The Minister should tell us whether this is the spirit of *Harambee*. That is why I say we need more time to discuss these sort of things. We are not going to accept that the material produced by our people is to be taken to benefit the people of other areas. We will not tolerate this. If we want the spirit of *Harambee* to prevail, let us not be one-sided. Just because certain people have friends in the Cabinet and they come from certain areas does not mean that only those areas should prosper. Mr. Speaker, things cannot go on like that. Something must be done. This Government ought to behave properly or else we shall take our cotton and sell it in Uganda. There is an industry in Uganda that is very flourishing and we can certainly take our cotton there. If the Government uses force to prevent us doing so, then the world will know what stand we intend to take. This is an instance when the Minister should not be tribal in his views. He must serve the country as a whole and not certain people or tribes only.

Now we consider Turkana—

ELECTION OF TEMPORARY DEPUTY SPEAKER

The Speaker (Mr. Slade): I am sorry to have to interrupt you, Mr. Oduya. I have to seek the indulgence of the House that this sitting has lasted longer than I expected and I am afraid I have to leave you in order to catch an aeroplane. In the absence of the Deputy Speaker and also Mr. Warithi who normally takes the Chair in the absence of both of us, it is for the House to elect someone to take the Chair for the rest of today's sitting. I wonder if hon. Members would approve of Mr. Pandya taking the Chair? I am afraid it cannot be a Minister or a Parliamentary Secretary. Do hon. Members agree to Mr. Pandya taking the Chair?

Hon. Members: Yes.

The Speaker (Mr. Slade): Thank you very much. Mr. Pandya will now take the Chair and Mr. Oduya can continue with his speech.

[The Speaker (Mr. Slade) left the Chair]

[The Temporary Deputy Speaker (Mr. Pandya) took the Chair]

Mr. Oduya: We hear that the Government has plans to set up industries for the processing of cotton in various parts of the country, but the Government has not told us what can be done

in Teso, Turkana, Masai, and other places. The Minister is only interested in Maralal. He talks of a few areas only. This is not a National Government. I want the Minister to bear in mind that the people of Busia and the Western Region will not allow the cotton grown there to be taken for processing in other Regions.

I come now to the appointment of people to the civil and foreign services. My colleagues have already raised a few points on this particular matter. This is a very touchy point and I want the House to know that if we want to pull together, as the Prime Minister has indicated and as the word *Harambee* indicates, this Government must be very careful in the appointment of civil servants. At the moment, these appointments are centred in certain tribes. Only the popular tribes are considered. My people are not considered. I do not refer merely to the responsible positions but my people could at least get jobs as office boys in the Prime Minister's office or the office of some other Minister.

I have names of many people who have complained to me. I have always tried to see the Government and say when we are going to give the people something to do, and tomorrow you will find that Njoroge and other people have been given a job. You have politicians and other diplomats who are civil servants. Here in this country a few people take their jobs seriously, and some people are sent to be trained in foreign diplomacy, but we were not consulted about these foreign appointments. I must say that the people who are representing the Government here are in danger of having their jobs taken over. I would like to say that it will take all the people of this country to build a nation. I must see that two of the people are appointed separately. I have a man who, for your information, Mr. Speaker, is an Administrative District Officer, and this man is frustrated even now. He has been trying to go to the East African Common Services for some time, but has not succeeded. Some of them are now civil servants and some of them have been appointed Permanent Secretaries, but nobody considers them. The people who talk of *harambee* should consider them. We are not going to tolerate this. I want to see my people there. I want to speak of other people generally. Let us have appointments which reflect the set-up of our nation. Let us get people from Turkana and from Pokomo and from Masai land. It was announced by the Permanent Secretary, that it is not Government policy to appoint people to the Civil Service on a tribal basis. This is wrong. I am not trying to be tribal, but if we want to do things let us do them properly. For example, the

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matter has been raised by one of my friends that one of the Members is being encouraged to resign from his position in Government and they are now trying to push him from the Ministry in which he works, so that a Kikuyu may follow him, and they want this man to take that position, so that he is removed to take a Ministry, and when the European resigns there is a Kikuyu to take over the job.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): On a point of order, I wonder whether the hon. Member speaking from Teso is in order, when referring to you while you are deputizing for the Speaker, as "Mr. Chairman".

The Temporary Deputy Speaker (Mr. Pandya): I am not sure, but I think it should be Deputy Speaker.

Mr. Oduya: Thank you, Mr. Deputy Speaker. I withdraw the previous name I used.

Mr. Kamau: I understood that when the Speaker left the Chair the first thing the Members did was to appoint a Chairman. Is it in order to call the present Chairman a Deputy Speaker when he is not one?

The Temporary Deputy Speaker (Mr. Pandya): When a man is appointed to stand in for the Speaker or the Deputy Speaker, I think he should be referred to as the Deputy Speaker, not the Chairman. The Chairman is the Chairman of the Committee and not the whole House.

Mr. Oduya: My hon. friends, let us not waste time on matters which are irrelevant. I want these people to think in terms of leading Kenya, not to think in terms of promotion of one section of the people only. I want to see that justice has been done everywhere and to all the people of Kenya. The people who are with the Prime Minister—the majority being from Kikuyu—should ask him to find Members from the smaller tribes, when it is time for them to reshuffle the Cabinet. Everyone will then be properly represented. We are fed up with this Government which is practising fascism.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamwaya): On a point of order. Is the hon. Member right in saying that the Government is practising fascism.

The Temporary Deputy Speaker (Mr. Pandya): I think the hon. Member went a little far.

Mr. Gichoya: Will the hon. Member withdraw the word "fascism" with regard to the Government when it has been ruled that it is improper.

The Temporary Deputy Speaker (Mr. Pandya): I do not think it is necessary for the hon. Member to withdraw those words because they are not unparliamentary. I think it was an undesirable use of words when I know he did not mean them.

Mr. Oduya: Thank you, Mr. Deputy Speaker, for your correction. We have people who opposed the Colonial Government. Some of them opposed it, some of them are experienced in parliamentary procedure and in Government and tell us that with such a policy you cannot do that. We are going to ask the Government about these people. What are you going to do about them? These people with secondary education should be given something to do. We should not just be told about *Harambee*, because that does not tell people what to do.

How can you understand about Government, when you are never told anything? When you come out you come into the streets of Nairobi, the streets of Kisumu, the streets of Mombasa, but you cannot get a job. You are told you must follow *Harambee*. How can you follow *Harambee* when other people are getting rich quick and you cannot even support your brother who is still at school? How can you have *Harambee* together? Most of the people who are working here, for example the expatriate officers, of course they are earning large salaries. They are not all technicians or experts in everything. There are certain jobs for which we could get our people trained in three or six months so that they could take over. They can learn by their own mistakes; it is not a question of knowing everything before you learn a subject.

With regard to the Ministers, most of them were not trained to be Ministers. Why can our own people not be given the chance to be brought into the Government so that they too can get employment? The public are still not convinced; they do not know whether this is a free Kenya or a Colonial Kenya.

Turning now to the youth problem, the Government has always tried to tackle this, but up to the moment when I am talking nothing has been done. A Motion even has been moved here, but so far the Government has implemented nothing. Even today, just outside here, youths have been carrying placards, they have shouted at some Ministers, even the Minister for Justice. The reason is they are disappointed.

Why is this? It is because everyone is dissatisfied. It has been brought about by the people who govern this Government. This Government is not going to govern by methods such as this, through a few individuals who

[Mr. Oduya]

It must be governed with the true feeling of the public, and therefore the youths are very important to this country. They must be considered. We have cheated them enough. In fact, during the time of political restriction, Mr. Deputy Speaker, promises were made to the youth of this country. They were told they would be given jobs, and so on, but now the Government in power wishes to make sure it is in power. What has this Government done? It has neglected the youth, and now they are abusing the Ministers, the Government. We do not know which is which now, it is not taking long, Mr. Deputy Speaker, to find that this Government will be asked to resign by the public. I want something to be done about the youth, at least for those who hold K.A.P.E.; and even those who do not hold K.A.P.E. have some understanding of the present system. The Government should establish some secondary schools which specialize in this sort of thing, some sort of institution to teach them simple clerical jobs. They will be able to do the jobs very well. Some of them can be put into the police force and the military force. We should not just say that the youth is useless and cannot be used. Even a man such as my father was in the war. He did not go to school, but he was in the war and he fought to help the British slay the Germans. He could shoot. You cannot say that only a man who knows how to read can join the police or the army. I want the Government to take action immediately.

Turning now to education—I am addressing the Chair. Although some people are making noises, I am not addressing the noises. You must listen to what I am saying. I am not just talking for myself but for all of us. Mr. Deputy Speaker, take the Ministry of Education. So far they have not told us the educational policy of this country. There is nothing. I do not know if any of my friends have seen it. Personally, I have not heard of anything. We are told from the Ministry of Education that there is need for a certain number of secondary schools throughout the country. We need a certain number of secondary schools so that when certain persons do very well the Minister can negotiate with other foreign governments which have a very high standard of secondary schools to enable these people to go and specialize for a period of six or seven months. Therefore, when these people come back they can replace the expatriate officers here.

I would now like to turn to the Minister for Social Services. You find that there is £240,000 which is being used by this Government to promote the social community development schemes around the country. This money has only been

spent in one province; the money is being spent in Nairobi and in Central Region. In my view, this money should be used throughout the whole country and in Nyanza and Western Kenya. I want some people from there to be trained—youth wingers, both men and women—but they cannot get anywhere. Therefore, I want to see the Minister so that two or three of these people can be trained and some money voted out of this amount, this so-called Head, this £60,000. This money should be spent here so that we can promote the social services in the field, in our own areas. Are we being told that this sum of money, given by the Americans, is given to only one section of the country, not to the whole of Kenya? If it is so, then this is not the spirit of *Harambee*: *Harambee* does not mean only one area and not the other area. We are being cheated.

There is also a point which refers to most of the statutory boards. I would like to request my Government to realize that the time has come when the appointments to the boards should not be given only to certain sections of the people. I want people from the Central Region and other areas appointed to these boards. People from Kisii should become directors of these boards or, at least, members of these boards, so that we can see the real machinery of *Harambee* working. It is meaningless to cheat people and tell them that this and that is being done when actually nothing is being done. I do not know whether I am really a Member elected to represent my people and to support my Government, or whether I am only here as a mere boy who has been told by a clerk that he cannot see the Minister. Why can I not take my problems to the Minister? We want the way to be open so that we can know what we can say. The Minister should know that we, here, are serious about the question concerning some of the boards. I want to see some people from Busia and Western Region and other areas on these boards.

There is also another question which I would like to discuss here; the question of the six-year development plan. This plan here—although it has only just been brought to us—does not represent the Western Region. I do not know whether the Minister is aware of this. The figures given for the Western Region will not allow this region to march together with the other regions. Something must be done and we must decide what is to be done here. We must bring a Motion to request the Government to give us a supplementary estimate so that this region can march together with the other regions; the Central Region, the Eastern Region and the other regions. We are not going to be humiliated because we are only given such a little money.

[Mr. Oduya]

This is Kenya and we want to build Kenya in the true sense. We must not be two-sided and too tribalistic. I do not know what to say about this Ministry and I think the Prime Minister should do something about it. It is ridiculous to find tribalistic Ministers who want to have the loans allocated to their own districts. Busia is a young district. Mr. Deputy Speaker, and it requires a good sum of money to start its development. We are not going to allow this sort of humiliation by our own Government, because some Ministers are tribalists.

The Temporary Deputy Speaker (Mr. Pandya): Mr. Oduya, I think this is a point you have already made.

Mr. Oduya: Thank you, Mr. Deputy Speaker, for your ruling.

Finally, when I finish I do not want to dis-appoint my friends. I want to say one thing: although I have spoken like this I want to assure the House that I did not mean to be tribalistic. I like to be fair, but sometimes our own Government disappoints me. I find that such and such has been done, but when I go to my own area my people ask me what is going to be done for them and I have nothing to tell them. At least, hon. Members, if the Government has done something for your people you can tell them about it. You can tell them what is proposed and that the Government is going to give them all that they want. That is what the public wants. However, the Government, which is centred on certain sections of certain tribes, should think in terms of what it wants itself. We are looking at the truth because the Government has forgotten to look after all its people. When we were talking of secession the Government was talking of what is the need of the central people, what is the need of the Wakamba people, what is the need of the Mombasa people, what is the need of the Turkana and what is the need of the Masai. We have Turkana people here but, so far, nothing has been done by this Government for the Turkana people or for the Masai. Their representatives are not listened to in this House. This man, because he is on the Opposition, or because he is something else, is considered a lunatic. They even want to say that when the Members speak here, they are drunk. This is serious. The Government should realize that when the time comes for me to move a Motion here I want clearly to speak my mind because I am fed up. I was told that this Government was going to do something, but this Government is a complete failure.

Thank you, Mr. Deputy Speaker.

Mr. Anylen: Mr. Deputy Speaker, before I say anything, I must thank the hon. Member who has just spoken. Some of us may regard him as a tribalist because he has spoken the way he has done, but it is important that hon. Members should mention some of these things so that tribalism does not deter the progress of this country.

Today, we are speaking on a Motion which asks that we should allow this House to adjourn *sine die*. The people in our districts have heard that independence has come, but some of them did not have the chance to go out and see the old flag being pulled down. A few of us, who were in Nairobi, did not see the flag going down but we saw the Kenya flag going up, because they put off the lights when it went down. I have a small office at home and whenever I go there I find at least 100 people waiting to see me. They all think that as they worked for the Kagu party and got me elected they can come to me for help. They want me to help them to pay their poll tax but where am I going to get the money from? What chances are there for employment in Nairobi? These people come to Nairobi to look for employment and when they find none they come to my house and ask me for money to enable them to return to their homes.

The Standing Orders of this House are Colonial Standing Orders, because in those days there used to be a few settlers as Members here who agreed even before they came here, because they thought like the Permanent Secretaries. So the Permanent Secretaries knew the wishes of the settlers, and when they came here they decided in advance how many meetings they would hold in a year, twenty-eight or more. These days the country has nothing new. The things that we still have are the things we have inherited from the Colonial Government. We got independence on the 12th December. When are we going to discuss the new policies of an independent Kenya? Are we adjourning this House so that we can continue administering the Government of this country with the old policies? When are we going to voice some of our grievances? Are we going home so that by the time we meet again, a foreign appointment will have been made? Will the Civil Service make various appointments during our absence? Will no action be taken on what we are saying in this House today? Mr. Deputy Speaker, what is worrying the country today is the fact that there are people who were engaged in the active suppression of the African people during the struggle for *Uhuru*. These who are the people who are getting the best promotions. There are people who were unable to get employment in a

[Mr. Anylen]

company or Government because of their political convictions. Today, those very people are still roaming the streets, many are still in the forests. The political fighters remained in the forests for ten years, because they knew that if they came out Government would have no regard for them at all. Now they have come out of the forests and we hear that some of them, finding themselves homeless, decided to live in a school building. The school term is about to commence and then where will these people go? They do not even know where their homes are. It is possible that during their absence their homes may have been taken over by other people, or this might have happened during the process of land consolidation. Are they going to roam the streets of Nairobi with their long hair for ever? When a human being with brains is frustrated, I tell you he will not keep quiet when injustice is being done. He wants food, he wants a salary with which to buy food and clothing.

Mr. Deputy Speaker, this idea of coming to this Parliament for a day's session and then adjourning *kabisa*—they say "*sine die*" but I say "*kabisa*"—not knowing when the Parliament is to reassemble is wrong. When are we going to discuss these important matters which I have just spoken about? With whom are we going to discuss them? This seems to be a meeting of Back-benchers only; the Ministers are not here. The hon. Minister who is present is probably here by coincidence and I am sure he is not going to lecture to all the Ministers about what we Back-benchers have to say. I doubt if the Ministers ever read the HANSARD to take note of the things we have said in this House. They will never do it and I say that we are just wasting time voicing our views. The Ministers say that we must now return home, but what are we to go home for? We receive Sh. 80 per sitting and why should we only sit for a few hours today? Some countries sit up till midnight. Why cannot we do the same? The Ministers say that there is no money to pay for the sittings. We have voted for considerable sums in this House, the other day we voted for £29,000 to give increments to the civil servants who suppressed the African people during the struggle. £29,000 could help our people in various things. If the £29,000 was reserved today it could help to employ some people to work in the Northern Frontier District where there is trouble at the moment. We borrowed this money. Mr. Deputy Speaker, since we came to this House we have never done anything for the people. If anything has been done for them it is not this House which has done that. What happens is that it is the Permanent Secretary who decides and

not the Minister. The Permanent Secretary is not a politician. The politician is elected because he is supposed to know the wishes of the people. The Permanent Secretary writes up the matter for the Minister who does not even care to read it before he comes to this House. We have evidence of this, because sometimes the Minister picks up a paper, starts to answer questions and then discovers the answer is a different one to that he was expected to give. When I asked a question about hospitals and the Parliamentary Secretary was unable to give a satisfactory reply, even the Minister could not reply. When he sent me home to check I found what I said was true, and that he was naming a wilderness hospital. The Minister told me that in my house I have ten beds. I tell you in my house I do not have a bed, because I sleep on the floor. This means that the Permanent Secretaries work to suit themselves. They are not in direct touch with the masses.

The Colonial Government had guns, bombs, aeroplanes and tractors and yet they were defeated. They even had the power to kill; but they are gone and gone forever. Why? Because they did not have the support of the masses. We have to rely on the masses. If I want to have a drink, I go to the ordinary places and the people come and ask me where is the Minister, where is the Parliamentary Secretary. Whenever Ministers want a drink they never go where the Africans are, they prefer to go where the *mzungus* go and where they will only meet those who are not in need of help. They are certainly not directly connected with the masses. If a Member of Parliament cannot see a Minister how does the Minister get to know the wishes of the people? If I cannot see the Minister how can the ordinary man see him? The Ministers are not in direct touch with the masses and that is why the Constitution says we must have 117 Members so that they can be in touch with the people and make their views and wishes known to the Ministers. Government wants us to go home for two months and the people will ask us what Government is doing for them. The taxes have been increased and the people are crying out for the *mzungus* to return and be in power. They feel that the *mzungus* did not harass them so much. When the Minister introduced the Taxation Bill I do not think he had the interest of the people at heart. The Bill was written out by the Permanent Secretary who gets a salary of about Sh. 6,000 per month. He does not care what happens to the masses all over the country. When a poor man walks about the streets bare-foot and knocks his foot against a stone he feels the pain, but the man

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in shoes will not feel any pain if he kicks his feet against a stone.

Therefore, Mr. Deputy Speaker, I appeal to the Members who are here today to defeat this Motion as an expression from Members of Parliament that these things are not right. If it is a question of money, I am sure hon. Members will be quite prepared to come and work even if they do not get any money at the end of the sitting. Then I can go home and tell the people that we have had a session of Parliament and put the following proposals before the Ministers who are going to consider them and take certain action. Now that Parliament is to be adjourned what am I going to tell the people? Nothing has been done. I have nothing to say to the people. Yet I will have to defend Government because if we speak against Government in our constituencies Government will go. If every Member of Parliament speaks against Government in his own constituency what will Government's stand be? When we go to our constituencies we have a duty to speak in favour of the Government even though we attack its actions in this House. How long shall we defend Government wrongly? How long shall we pretend that things are all right?

We have been saying in this House that we want to find employment for some of the people who elected us. The Civil Service Commission is going to help find jobs for some people. For years now in the Civil Service Commission we have had people who held big posts and took steps to suppress the African people. Some of our Africans who have addressed the masses with sweet words and are holding big jobs have not kept their promises and have not done anything for the people of this country. They have become money-makers. Is this going to continue? The top people are going to be the policy-makers of this country. When we reassemble what are we going to be told? When we talk like this the Ministers say we are merely Backbenchers. Backbenchers are nobody, they only make a noise. However, a warning must be given to the Ministers. Yesterday, it was the Backbenchers who called a meeting in order to make known to Members what is going on in the North-Eastern Region. In this House, the Members were briefed or some of them might have voted against the Government. If some measure was taken and the Opposition was told of the actual position things would have been better. For this reason I appeal to hon. Members that we should not adjourn *sine die*, and that we should sit for two months: if necessary, and after having settled all matters here in Nairobi we can return home

and, if necessary, not sit for four months. However, first of all, we want to know that we have laid down certain policies which are going to be followed by Government. There is no point telling people that meetings are limited. What kind of meetings are these that they have to be limited? We cannot tell our people that we could not do much for them because the number of meetings was limited, they will never believe us.

Mr. Deputy Speaker, I do not want to talk on Kisii as other hon. Members have done so already. Some time back I told the Minister that we have a hospital in Kisii and there is also a slaughterhouse very near to this hospital. The Minister promised to do something about it. I told him that the flies from the slaughterhouse swamp the hospital and also another building nearby where the dead bodies are kept. I am sorry to say that despite all his promises the Minister has done nothing. What is the point of our being Members of Parliament if all the things we say to the Ministers are never heeded? Very often we learn of certain actions taken by the Ministers or the Government from the Press. We are never informed before these matters appear in the papers. Sometimes we do not get the papers and therefore do not know what is going on and then we have to find all sorts of excuses to give to our people.

Therefore, I say we should decide to continue to sit and that we inform the Ministers of our decision. We want the Ministers to come back to this House and listen to what we have to say to them. We want them to give us written assurances. If they do not we must demand—with all the confidence we have in the *Mzee*—that the *Mzee* reshuffles the Government. In this way the *Mzee* will have around him the right people to advise him.

We cannot blame Mr. Kenyatta for what is going on. He has fought for the freedom of this country for many years and now he has younger people to help him carry out the work for the good of the country. The people around him at present do not advise him rightly and that is why we do not know what is happening. The Ministries should not be filled on tribal basis. If a J Luo or a Kikuyu gets into a Ministry he sets about getting all his tribe in, and this goes for all the other Ministries too. We want to carry out the policy of *Harambee* and all work together in a spirit of unity. It is for us hon. Members to express our wishes, to inform the Ministers that we have been elected by the people, that we have decided to continue sitting until we can discuss some concrete proposals for the good of the country. Today we

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must vote that we continue to sit and the Ministers must come and discuss with us some of the things we would like to put before them.

Mr. Makokha: Mr. Deputy Speaker, I have the feeling that the Ministers are too big and that is why they cannot think in terms of anything small. We have had *Uhuru* since 12th December and we could have done many little things for the people to make them realise that *Uhuru* is here for them and for the whole country. Let me give you one example. The chiefs are still called chiefs as they were before 12th December. I think they should at least change their names as a first step towards something different. In my location there is a type of war between the chief and the chairman of the local District Council and the chief demands that the chairman should be removed. I am sure I do not know who is the boss. This Government must do something about it.

Let us now take the tribal police. Even this word 'tribal' should be changed because we say we are against tribalism. What does tribal mean? When I was at school I remember the tribal police used to open the doors for the District Commissioner, they used to salute the District Commissioner whenever he entered or left his office and they are still doing the same today. At the moment we have trouble in the North-Eastern Region. Why cannot we send the tribal police up there? The tribal police just spend their time sitting outside the District Commissioner's office, doing absolutely nothing.

Something else, Mr. Deputy Speaker, Sir, is that these Ministers can talk in a very slick language. Some time ago we had the problem of prostitutes in Nairobi. We were told that a special committee, composed completely of Ministers, was being set up. We are still waiting for the report. We do not know how far this committee has gone.

Mr. Deputy Speaker, Sir, these things are very serious. Unfortunately most of the Ministers are not here. The majority of the Ministers do not even know their own country, and the only reason why I support this Motion is it to give these Ministers a chance to go round and find out for themselves. For example, I doubt if the Minister for Pan-African Affairs knows where Kakamega is. These people should take it in turns to go, because probably things would collapse in Nairobi. Mr. Deputy Speaker, these things are very serious. These people are running the Government and if they do not know their own country, we are going to be in difficulty. Mr. Deputy Speaker, the other day a

friend of mine went to Gill House to get a new Kenya passport, and for some reason or the other a few people were being asked to produce birth certificates. The majority of us do not even know when we were born, so how can we produce certificates? I ask the Minister concerned to get rid of this immediately.

Mr. Deputy Speaker, Sir, unfortunately the Minister concerned is not here, but this concerns the Busia District. This is a new district, but it is still a district. We do not have a resident magistrate, and our people have to travel over seventy miles to Bungoma to find one. We cannot have an African Appeal Court, and we must go to Bungoma, about eighty miles away. Mr. Deputy Speaker, if you will allow me to repeat what was said before by the hon. Mr. Oduya, it is a question of industries. I do not believe that we are going to have African socialism here if we have all the factories around Nairobi and Mombasa. It is completely unfair for the people of Busia to sweat in their *shambas* with the Minister for Agriculture urging them to plant more cotton daily, and then to hear that a textile factory is going to be set up elsewhere. Some of these things may cause trouble later on.

I said that the Ministers were probably too big to think in a small way. These are just minor things they overlook. Only yesterday, I saw a vehicle outside here still bearing the letters OHMS. When a person sees these letters still on a Government vehicle does he know *Uhuru* is here? These people should reduce their thinking to the level of an ordinary person otherwise they will not be able to help our people at all.

Mr. Mutiso: Thank you, Mr. Deputy Speaker, for allowing me to speak. I would like to begin by pointing out that in the past this House used to spend a lot of time criticizing the previous Government—the Colonial Government—saying that everything that was done was due to Colonialism. Today, we are a free people. Kenya is the last country to be independent in the Eastern side of Africa, and we know for certain that although Kenya came last it is not because she is not capable of leading herself.

QUORUM

An hon. Member: Mr. Deputy Speaker, do we have a Quorum in the House?

The Temporary Deputy Speaker (Mr. Pandya): No, we do not have a Quorum. Please ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Pandya): We have a Quorum now.

Mr. Mutiso: Thank you, Mr. Deputy Speaker. I would like to point out that in the past we used to blame the Colonial Government for everything which happened to go wrong in this country, but now, just as soon as we are independent, we find that the country is faced with a lot of problems and the Government is treating the Africans worse than the Colonial Government did. We came and sit for here for only a few hours and then we are asked to adjourn the House indefinitely while there are a lot of problems pending about which we, as elected Members, are meant to inform our constituents.

Recently there was a lot of shooting, particularly in my constituency, where some people lost their lives. I was surprised this morning, Mr. Deputy Speaker, to learn from the declaration of the State of Emergency in the North-Eastern Region that our army and the police force had no power to shoot.

The Temporary Deputy Speaker (Mr. Pandya): Mr. Mutiso, I think the Speaker has ruled that you cannot raise any issues which have already been debated under the Motion this morning. I am afraid I shall have to ask you to adhere to the Speaker's ruling.

Mr. Mutiso: Thank you, Mr. Deputy Speaker, but I was only just quoting that as a matter of convenience. I wanted to know, as regards the people who were shot, particularly in my constituency, whether the trial police or the Kenya police who shot them had the right to do so.

We are beginning to realize in practice that our Government is not really competent on certain things. For instance, Mr. Deputy Speaker, during the *Uhuru* celebrations, I went to my own division where there is an administrative centre and was surprised to find that five days after Kenya had gained her independence the Union Jack was still flying. This was an insult to our Government. Mr. Deputy Speaker, I wanted to make that point to the Government and find out why in that particular area the Union Jack was still flying after Kenya had been independent for about a week. I went to the divisional headquarters and found out that the National flag for that area had been collected on the 19th, almost eight days after Kenya's independence. This is really a mess and, for the information of the House, we demand clarification from the particular Ministry concerned.

There is another point which I wanted to make to the Government. Already we have seen in certain Ministries that when the Ministry is headed

by someone from a particular tribe that Minister is all out to see that the people who are working in the Ministry are from his own tribe. This is a shame because we want to build this country and all of us to pull together in the spirit of *Harambee*: when we find that people are thinking in terms of tribalism under the cover of *Harambee*, then, Mr. Deputy Speaker, this is something which we are not going to tolerate. When we talk of *Harambee*, it must be with the real meaning. We must talk in terms of national building and not in terms of tribal building. In fact, Mr. Deputy Speaker, if I may quote an instance, it is a great shame that we see the Minister for Home Affairs, the Minister for Information, Broadcasting and Tourism, the Ministers from the top to the bottom, the people promoted in the various departments are all people from certain tribes.

The Minister of State, Prime Minister's Office (Mr. Murumbi): On a point of order, Mr. Deputy Speaker: I cannot understand the purpose of what the hon. Member is saying; he is going from one subject to another.

The Temporary Deputy Speaker (Mr. Pandya): I think, Mr. Murumbi, he is in order so far, as the Speaker made it very clear that, under this Motion, all matters which should be brought to the attention of Government can be raised, and I think Mr. Mutiso is perfectly in order.

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, I wish to move that the Mover be now called upon to reply.

The Temporary Deputy Speaker (Mr. Pandya): I will allow Mr. Mutiso a further two minutes. I think it will then be fair to allow one Minister to answer and that the appropriate Minister would be Mr. Mwendwa because he has been in the House consistently for the last hour.

Mr. Mutiso: Thank you very much, Mr. Deputy Speaker. I will try to be brief.

It is a reflection on our Ministers, when the House has been sitting throughout this afternoon, that they come and try to put us behind because they do not care to attend to their duties. Mr. Deputy Speaker, there are certain issues, as I was saying, on which we really need clarification from the Government before we are requested to adjourn the House indefinitely. We have just gained our independence and, as many speakers have already stated, there are many things on which we want answers, so that we can tell our people them, but now we are all asked to go back without knowing what to tell our people; now that we are independent, they are all waiting to

[Mr. Mutiso] know what programmes and what projects are in hand so that we can see the fruits of independence.

In my opinion, Mr. Deputy Speaker, it is very unwise for us to be asked to adjourn the House indefinitely before the Government is in a position to give us in full detail what projects and programmes we are going to embark on at the beginning of the New Year.

With these few remarks, Mr. Deputy Speaker, I beg to support the Motion.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Deputy Speaker, I have a few remarks to make. I feel the Members have their right to express their feelings and their thoughts in any way they like, but anyone listening to the speeches of hon. Members would actually end up by saying that the Kenya Government is doing nothing. However, Mr. Deputy Speaker, I am just going to put forward here certain facts of which hon. Members, with all due respect, are completely ignorant.

Mr. Oduya: On a point of order, Mr. Deputy Speaker, is the hon. Minister in order in calling Members of the House illiterate?

The Temporary Deputy Speaker (Mr. Pandya): I do not think there is anything unparliamentary about it.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Deputy Speaker, I did not say "illiterate"; I said "ignorant of". If anybody does not know what is happening, he is ignorant of certain facts.

I am going to give an example of what has been said about myself here. An hon. Member has accused me as the Minister for Labour and Social Services of using the money which should be used for social services for developing the Central Region and my own district. May I tell the House that even today in Kitui, where I come from, there is no C.D.O. and yet I am being accused of using all the money in Kitui. How? That is mere ignorance of what is happening. The week before last, Mr. Deputy Speaker, of the twenty-four lorries I received from America, I sent one to Busia, his area, and yet he says in this House that there is nothing being done in his district.

Mr. Deputy Speaker, these are examples of Members speaking of things they really know nothing about.

Hon. Members have said that the Ministers want to adjourn the House so that they can go to

their offices, stay there for a few hours and then go home. It is surprising to me to have to tell the House that the Ministers have nothing to do with the sitting of the House. Even the Prime Minister does not know how many days we are going to sit here.

Mr. Ngala: On a point of order, Mr. Deputy Speaker, is the Minister in order in suggesting that the Government does not know anything about the sitting of this House? Is the House not called at the request of Government?

The Temporary Deputy Speaker (Mr. Pandya): I do not know whether it is strictly a point of order, Mr. Ngala, but I think it is well known that the House does sit at the instance of Government.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Deputy Speaker, I was going to explain the procedure if I had been given the time. These people ought to be correctly informed. They are speaking to the gallery, the gallery ought to be told because they have accused the Ministers of telling the House to go home, which the Ministers do not. The committee will be selected—Give me time if you are gentlemen. Why should you—

The Temporary Deputy Speaker (Mr. Pandya): Order, order. Mr. Mwendwa, will you please address the Chair.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Deputy Speaker, I am asking the Members to give me time. I wanted to inform the House of the procedure which is followed when the House is being called to sit here. It is not the Ministers who decide; there is a committee, the Sessional Committee, composed of some Backbenchers and some Opposition Members, which decides whether the House should sit or not. That is the procedure. Therefore, no particular Minister—not even the Prime Minister—can be accused of telling the House to adjourn. The Members opposite are shouting because they do not want the gallery to hear the truth from me.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, is the Minister in order in saying that we are shouting at him, so that the public gallery cannot hear him? Is he addressing the House or the gallery?

The Temporary Deputy Speaker (Mr. Pandya): Mr. Shikuku, that is not strictly a point of order and is irrelevant to the business of the House, so I will ask Mr. Mwendwa to continue.

Mr. Ngala: I rise, Mr. Deputy Speaker, on a point of order to seek your guidance on this. The Minister has given incorrect information to the House—whether deliberately or knowingly I do not know—because the Sessional Committee, to which he is referring, is not responsible for calling this House. The Sessional Committee arranges the order of our business. The Minister knows that Government Business comes first and it is the Government which calls this House—

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): On a point of order, Mr. Deputy Speaker—

The Temporary Deputy Speaker (Mr. Pandya): Let the hon. Member raise his point of order, Mr. Kodhek.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): That is exactly what I am complaining about. The Member should be quoting from Standing Orders, not from his head, which is rather empty!

Mr. Ngala: Mr. Deputy Speaker, Sir, my head is capable of retaining what is in Standing Orders without my reading it.

The point on which I want your guidance, Mr. Deputy Speaker, is whether this House is called to sit here by the Sessional Committee or by the Government through the Speaker.

The Temporary Deputy Speaker (Mr. Pandya): I think, as I said before, Mr. Ngala, this is not strictly a point of order but a point of information. My understanding is that the House is always called at the instance of the Government when it has some business to deal with, but the day-to-day business is arranged by the Sessional Committee.

Mr. ole Tips: On a point of order, Mr. Deputy Speaker, was the hon. Member opposite in order in getting to his feet before you had given your ruling on a point of order which had already been raised?

Secondly, was he in order in saying that the head of the hon. Member who was speaking was empty? Also, can he substantiate that the hon. Member's head is empty?

The Temporary Deputy Speaker (Mr. Pandya): I think on both points the hon. Member was certainly out of order.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Deputy Speaker, I am surprised to see Members raising points of order just for the sake of raising them, in order that the House can go on—

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, is the hon. Minister in order in referring to the points of order, which have so far been raised and been ruled by you to be points of order, as points of order to waste time?

The Temporary Deputy Speaker (Mr. Pandya): He is certainly out of order, but I think it would be better if we were to proceed with the debate instead of having too many points of order raised.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Deputy Speaker, since the hon. Members do not want to hear what I have to say, I beg to support.

Mr. Ngala-Aboki: Mr. Deputy Speaker, I beg to move that the Mover of this Motion be now called upon to reply; this is becoming monotonous.

(The question was put and carried)

The Parliamentary Secretary, The Prime Minister's Office (Mr. Chanan Singh): Mr. Deputy Speaker, Sir, I could not, even if I wanted to, reply to all the points raised.

The purpose of this debate is to bring to the notice of the Government certain points which should be considered by the Government during the adjournment. All the points raised have been noted. We wanted to know a few things which the House wants us to look into during the adjournment. Hon. Members apparently say, do everything, which, of course, is not possible. It would have been practical if Members had confined themselves to one or two points and suggested that the Government gives attention to only those points. However, this small debate has turned into what was in olden days a general debate on the Budget. Everybody has spoken on everything under the sun.

Some people are worried about the fighters who have come out of the forests and I am really surprised that the people to be worried should be from the Opposition. These fighters have come out of the forests as a result of appeal from the Leader of the Government and I am sure if anything is required to be done, and if anything is done, it will be done by the Government. This is a matter which is presently engaging the attention of the Government.

Several points have been raised with regard to Civil Service appointments, especially appointments to diplomatic posts. In regard to these matters, there are different points of view all over the world. Where there are thousands of posts to be filled you will not find people satisfied. In Kenya we have only half a dozen ambassadorial

[The Parliamentary Secretary to the Prime Minister's Office] called to gether to finish all the Private Members' Motions then we shall be sitting forever. Similarly, if we were to go on with the type of speeches that we heard this afternoon we should never finish as well.

Members are always free to write to the Ministries concerned and state the problems which are facing their constituencies. It is therefore not necessary for Parliament to meet to consider the points of view of Members. Parliament cannot meet every day throughout the year. Hon. Members must try to do their duty during the recess days and endeavour to study the problems of their constituents and bring those problems to the notice of the Ministers concerned. That can easily be done by interviewing the Minister or by writing him a simple letter.

In any case the question now is that we have moved that the House adjourns *sine die*, that is without fixing a date. If the House does not agree to this, it will mean that there is nothing to be done on the next sitting day. There is no further business to be transacted. There are two Bills whose First Reading has been moved this morning. That is all and should not last even one day. You can never finish Private Members' Motions. No Parliament in the world can ever finish all the Motions that are moved by Private Members. What happens everywhere in the world, and what should happen here, is that there is important national business to be transacted by Parliament, for that purpose Parliament is brought together and certain time is allotted for Private Members' business. If Parliament were to be

called to gether to finish all the Private Members' Motions then we shall be sitting forever. Similarly, if we were to go on with the type of speeches that we heard this afternoon we should never finish as well.

Mr. Deputy Speaker, I think the reason for the Motion is quite clear. The important business for which the House was called together has been completed. There is no other business just now on the agenda and therefore there is no purpose in meeting after tomorrow. Tomorrow is a public holiday. For that reason Government thinks the House should adjourn and, as soon as we have important business on hand, we shall call the House together again. At the moment, however, we do not know when the House will be needed but I can tell you adjournment *sine die* does not mean adjournment forever. It does not mean hon. Members will not be called together for six months or a year. I can assure the hon. House that, as soon as there is business to be transacted, the House will reassemble. In the meantime, as I have suggested, if hon. Members have any problems, we are always pleased to consider them. They have only to call at our offices or to drop us a note.

(The question was put and carried)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Pandya): That concludes the business on the Order Paper for today, and in view of the Motion that has just been approved I adjourn the House *sine die*.

(The House rose at seven minutes past five o'clock.)

Tuesday, 25th February 1964

The House met at thirty minutes past Two o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Members:—

Sayid Mohamed Amin.

Abdi Sirat Khalif.

Osman Mohamed Abdi-Rahman.

COMMUNICATIONS FROM THE CHAIR

DEATH OF MR. J. K. ARAP CHEPTIKIT

The Speaker (Mr. Slade): This being the first day on which our House has sat since the death of our colleague and friend the hon. Jackson Kit arap Cheptikit, I know that you will wish me now to record our deep regret and our sympathy for his widow and children.

Though not long with us in this House, he made his mark as a man of sincerity and devotion to duty, and by his premature death, we and our country have lost a public figure who had much to give to us.

I would suggest that we stand for a minute in silence as a mark of respect for his memory.

(Hon. Members stood for one minute in silence)

INDEPENDENCE CONGRATULATIONS

Hon. Members, on a happier note I have to inform you that we have received messages of congratulations on the Independence of Kenya in many forms and from many countries throughout the world.

Some of these messages have taken the form of a parliamentary resolution, transmitted to this House, or to our National Assembly as a whole; but it might seem invidious to give them special publicity here, when there have been so many other written or verbal messages of goodwill to the Prime Minister and other Ministers, and Speakers in person.

It seems best therefore not to read in this House the text of any one of these messages, even though specially addressed to us; but simply to inform hon. Members in general of these many kind and encouraging messages, and to record our gratitude for all of them.

H 6—8 pp.

PAPERS LAID

The following Papers were laid on the Table:—
Treatment of Offenders Annual Report, 1962.

(By the Minister for Home Affairs (Mr. Odinga))
The Growth of Economy, 1954-1962.

The Appropriation Accounts, Other Public Accounts and the Accounts of the Funds for the year 1962/63.

1963/64 Supplementary Estimate No. 2 (Recurrent Expenditure)—Estimates of further sums required to be voted for the service of the year ending 30th June 1964.

1963/64 Development Supplementary Estimate No. 1—Estimate of further sums required to be voted for the service of the year ending 30th June 1964.

The Betting Tax (Amendment) Regulations, 1964.

The Price Control (Maximum Retail Prices) Order, 1964.

(By the Minister for Finance and Economic Planning (Mr. Gichuru))

East African Meteorological Department Annual Report for 1962/63.

(By the Minister of State (Prime Minister's Office) (Mr. Murumbi))

Industrial Development Corporation Report and Accounts for the year 1962/63.

(By the Minister for Commerce and Industry (Dr. Kiiano))

Report of the Committee of Inquiry into Rent Restriction Legislation.

(By the Minister for Health and Housing)

The Special Crops Development Authority—Third Annual Report and Accounts for the year ended 30th June 1963.

Department of Co-operative Development Annual Report, 1962.

The Kenya Meat Commission (Grading) (Amendment) (No. 3) Regulations, 1963.

The Crown Lands (Irrigation Areas) Rules—Declaration.

The Kenya Meat Commission (Grading) (Amendment) (No. 4) Regulations, 1963.

The Hides and Skin Trade (Imposition of Cess) (Amendment) (No. 2) Rules, 1963.

The Tea Act—Imposition of Cess.

The Kenya Meat Commission—(Inspectors) (Amendment) Regulations, 1963.

- The Kenya Meat Commission Act—Wholesale Prices.
- The Kenya Meat Commission (Sale of Slaughter Stock by Auction) Regulations, 1964.
- The Cereal Producers (Schedule Areas) Act—Imposition of Cess.
- The Animal Diseases (Amendment) Rules, 1964.
- The Branding of Stock (Amendment) Rules, 1964.
- Maize Marketing Act—Price of Maize.
- (By the Minister for Agriculture and Animal Husbandry (Mr. McKenzie))
- A Report on the hon. J. K. Gatuguta's Committee on Emergency Measures to combat Landlessness and Unemployment in Central Regions.
- (By the Minister for Lands and Settlement (Mr. Angaine))
- Report of the Public Accounts Committee on the Government of Kenya accounts for the year ended 30th June 1962.
- (By the Chairman of the Public Accounts Committee (Mr. arap Moi))

NOTICES OF MOTIONS

EMERGENCY NORTH-EASTERN REGION—EXTENSION OF PERIOD

The Prime Minister (Mr. Kenyatta): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House approves the extension for a further period of two months of the resolution passed by this House on the 31st day of December 1963, approving the proclamation of a State of Emergency in respect of the North-Eastern Region which was made on the 25th day of December 1963.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to give notice of the following Motions:—

APPOINTMENTS TO SESSIONAL COMMITTEE

THAT this House nominate the following Members of the Sessional Committee for this Session:—

The Minister of State, Prime Minister's Office (Chairman).

The Hon. F. R. S. De Souza (Deputy Speaker).

The Minister for Home Affairs.

The Minister for Commerce and Industry.

The Minister for Health and Housing.

The Minister for Information, Broadcasting and Tourism.

The Hon. Chanan Singh.

The Hon. R. S. Matano.

The Hon. S. S. ole Oloitipiti.

The Hon. Galgalo Godana.

The Hon. B. M. Kaggia.

The Hon. J. D. Kali.

The Hon. D. T. arap Moi.

The Hon. M. Kibaki.

The Hon. J. L. N. ole Konchellah.

The Hon. A. J. Pandya.

The Hon. M. Muliro.

The Hon. F. J. Ngai.

The Hon. J. J. M. Nyagah.

The Hon. T. Okele-Odongo.

The Hon. J. K. Ndile.

LIMITATION OF DEBATE: PRIVATE MEMBERS' AND FREELANCE MOTIONS

THAT debate on Private Members' Motions should be limited in the following manner:—

(a) A maximum of two hours for Opposition and Government Members' Motions, with not more than thirty minutes for the Mover, thirty minutes for the Government official responder and ten minutes for each other Member speaking; and that fifteen minutes before the time for expiry, the Mover be called upon to reply.

(b) A maximum of one and a half hours for "Freelance" Motions (i.e. not sponsored by the Parties), with not more than twenty minutes for the Mover, twenty minutes for the Government official responder and ten minutes for each other Member speaking; Mover be called upon to reply.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to give notice of the following Motions:—

SUPPLEMENTARY ESTIMATE No. 2 1963/64—RECURRENT

THAT a sum not exceeding £1,636,594 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1964, in respect of Supplementary Estimate No. 2 of 1963/64 (Recurrent).

SUPPLEMENTARY ESTIMATE No. 1 OF 1963/64—DEVELOPMENT

THAT a sum not exceeding £1,188,454 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1964, in respect of Development Supplementary Estimate No. 1 of 1963/64.

The Government-General's consent has been signified to these Motions being put.

CONTRIBUTIONS TO THE KENYA NATIONAL FUND

The Minister for Labour and Social Services (Mr. Mwendu): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House urges every Member to lose no opportunity of impressing upon his constituents the importance of the Kenya National Fund, and encouraging contributions to that Fund, with special reference to its object of assisting community self-help schemes.

GUARANTEE OF ESTATE REPAYMENT FOR KARIOKOR ESTATE

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House approves that the Government should guarantee the repayment to the Commonwealth Corporation of a loan of £125,000 to the City Council of Nairobi to be used for the redevelopment of Kariokor Housing Estate.

The Government-General's consent has been signified.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE
Mr. arap Moi: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House notes the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year ended 30th June 1962.

KENYA CIVIL SERVICE: PROMOTIONS

Mr. Shikaka: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House, being aware of the need for the spirit of *Harambee* and of the necessity of translating it into practical terms, is deeply concerned with the tribalistic tendency of appointments in the Kenya Civil Service and calls upon the Government to appoint an Independent Commission of Inquiry to investigate and report on why the Abaluhya and

and other tribes are not being promoted in the Service.

WITHDRAWAL OF COFFEE-GROWING BAN

Mr. Masinde: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House being aware of the need for cash crops in African areas in this country calls on the Government to withdraw its notice banning the further growing of coffee in this country, in order to give chance to the African farmers to increase their acreage of coffee.

GOVERNMENT PLANS FOR PROGRESSIVE INCREASE OF AGRICULTURAL PRODUCTION

Mr. Naisori-Iumbo: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House requires the Government to prepare and put into operation plans for the progressive increase of production in all types of agricultural farming and ranching enterprises to ensure an adequate modern standard of living for the young farmers, and to enable them to make a useful contribution to the national economy of Kenya.

WITCHCRAFT: BOARD OF INQUIRY

Mr. Jahazi: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House being aware of the existence of witchcraft and witchdoctors all over the country and the influence these witchdoctors have on a large number of our population, urges the Government to set up a Board of Inquiry to investigate all forms of witchcraft and the validity of claims by witchdoctors to cure diseases and bewitch people, and to investigate the possibility of their "science" being applied to modern medicine or their complete abolition.

COMPENSATION FOR MISAPPROPRIATION OF PROPERTY DURING EMERGENCY

Mr. Wamutheny: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House urges the Government to consider compensating those unfortunate persons whose property was misappropriated by the authorities during the height of the emergency and who were thereby left in a state of poverty.

ORAL ANSWERS TO QUESTIONS

Question No. 3

NANYUKI-MERU-MAUA ROADS

Mr. Gaciatta asked the Minister for Works, Communications and Power if the Minister was aware of the appalling state of the roads from Nanyuki to Meru and from Meru to Maua and that such conditions were responsible for the large percentage of accidents occurring on them.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, on behalf of my Minister, I beg to give the following reply.

First, the Government cannot accept the allegation that the large percentage of accidents occurring on that part of the road is due to what the Member alleges. Further, the first section of bitumen road between Nanyuki and Timau is being patched and rescaled and should shortly be in very good condition. The second section between Timau-Meru, which is a gravel road has always been difficult to maintain because of the poor quality of the gravels in the area but the best is being done with the funds allocated for its maintenance.

There is a proposal to realign the bad section between Meru and Lewa when development funds become available but it should be remembered that this road only carries 100 vehicles per day whereas there are many other roads in the country in a similar condition carrying between 300 and 400 vehicles per day which are in greater need of improvement and would naturally receive a higher priority when development grants are considered.

The Government has spent large sums of money recently in improving the roads in Meru area and have given it a good outlet to Sagana via the new Embu-Meru road and whilst it is appreciated that the Meru-Nanyuki road stands high in priority for improvement, it is regretted that the Government cannot at this moment do much to ease the situation.

Mr. Gaciatta: Mr. Speaker, Sir, since this road links two Regions which are of high agricultural potential, could the Minister tell us the reason why it has not been done?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I have answered that question.

Mr. Gichoya: Arising from the Minister's reply, Sir, are we being made to understand that a road is made to suit the number of vehicles, and not the economic needs of an area plus geographical conditions?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, for the interest of the questioner and Members of this House, I would like to give the figures for the amount of money spent in Meru.

The Speaker (Mr. Slade): That is not actually the question which has been asked.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Anyway, I would like to say that the amount of money spent on Meru roads as compared with other areas is very large and that alone is enough.

Mr. Masinde: Mr. Speaker, Sir, would the Parliamentary Secretary consider that this road is in an area of great agricultural potential, and for that reason alone it qualifies for repairs as it is a feeder road?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): This is a major road; it is not a feeder road, and it is being taken care of.

Mr. Shikuku: Does the Parliamentary Secretary agree with the former questioner that there is a lot of traffic on that road, which therefore justifies its being tarmac-ed?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): No, Sir, I have given the figures for density of traffic in other parts of the country.

The Speaker (Mr. Slade): I am not sure you followed the question, Mr. Nyagah. The question you have been asked is whether the policy of road-making is related only to the amount of traffic, or whether there are other considerations.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): I gave the answer. There are one hundred vehicles per day as compared with three to four hundred in other parts of the country.

Mr. Gachago: Will the Parliamentary Secretary inform the House that there are other considerations besides the number of cars.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): There are other areas in the country which equally deserve attention, Mr. Speaker.

Question No. 5

KENYA INDEPENDENCE CELEBRATIONS: CONTRACTS

Mr. Kali asked the Minister for Justice and Constitutional Affairs if he would inform the House as to—

- the names of persons, firms and companies to whom contracts and licences had been given on all projects connected with Kenya's Independence Celebrations;
- the amount and quantity involved in each case; and
- whether any steps had been taken to ensure that a part of the profits went to the National Fund?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Yes, Sir. The following firms were given contracts for projects connected with Kenya's Independence Celebrations for the amounts stated against their names:—

B Edington	£ 4,214
Porter Bros	8,685
Cyrus Brook & Sons Ltd.	2,763
J. R. Gaunt	4,471
H. Wesley	148
H. Brooks	9,545
E.A. Bag & Cordage Co. Ltd. Ruiru	582
Holyoak Sawmills, South Kinangop	322
E.A. Engineering Works Ltd., Nairobi	135
Dalgety & New Zealand Loan Ltd.	104,000
Mr. Mahinder Pal	15,746
International Aeradio	3,660
East African Posts & Telecommunications Administration	3,500
East African Power & Lighting Co. Ltd.	1,200
E.A. Film Services	300
Afrigas Ltd.	901

The above values are approximate to the nearest pound and do not include certain freight charges which have not yet been assessed.

In addition the following caterers were allocated kiosks:—

Stephen Kariuki, Banana Hill.
Joseph Ngugi Chegi, Nairobi.
Stephen M'wenda, Kiambu.
Mrs. Nikodemo, Nairobi.
S. K. Kimathi, Nairobi.
Paul Kasioki, Banana Hill.
Mwaura Njoroge, Nairobi.

Gakuya General Construction, Nairobi.

Nafatali R. Chiira, Nairobi.

Miss Leah Kaburo, Nairobi.

John Maina Kimani, Nairobi.

Stanery Mirie, Nairobi.

Adam General Contractors, Nairobi.

Samson Ngara, Nairobi.

J. S. Pandya, Nairobi.

F. Koinange, Nairobi.

Sham Surinder Vpdi, Nairobi.

James Njenga, Kiambu.

Combined Breweries (Licenced to sell Beer).

K.C.C.

Lyons.

Pepsi and Coca-Cola.

7-Up.

Caterair Ltd., Nairobi—Royal Box Catering.

The question of a contribution to the Kenya National Fund did not form part of the negotiations for contracts. The main contractor, Messrs. Dalgety & New Zealand Loans Limited, made a contribution of £10,000 to the Fund.

Mr. Kali: Arising out of the answer, Mr. Speaker, Sir, does that list include so many people, individuals, who were selling ties and badges?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the Government did not enter into any contract with any person selling ties and badges. These have nothing to do with the Government's own preparations for Independence Celebrations.

Mr. Kali: Mr. Speaker, Sir, may we then conclude that these sellers of badges and ties were selling without licence?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, if I could remind the hon. Members, this question to me concerned the names of persons, firms and companies to whom contracts and licences had been given on all projects connected with Kenya's Independence Celebrations.

Now, Sir, the importation and sale of ties is not a project connected with the Kenya Independence Celebrations, but I would assure him that anyone who imported anything into the country was dealt with in the normal way through the machinery which has already been set up.

Mr. Kali: Mr. Speaker, Sir, if importation and exportation does not concern the Minister, may I hear from the Minister concerned?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I have replied for the Government and that reply stands. If the hon. Members would like to raise a new question to be considered on an entirely different basis it can be so done.

Mr. Gatuguta: Mr. Speaker, Sir, from the list given by the Minister of the contractors, it appears that there was not a single African employed for this job. Could the Minister tell us whether he made any efforts to get African contractors?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I do not agree with the suggestion that there was no African employed to do the job. Most of the work was done by Africans. As far as contractors are concerned a tender is put out and it is for the contractor to apply. The Government does not fill in the application forms of any contractor.

Mr. Shikuku: Arising from the Minister's reply, could he tell the House whether he received any application from any African contractor?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I would require to examine all our files for that. The question is whether an African contractor was given the job. All I say to the House is that the normal practice of tendering was used and the best tender was accepted.

Mr. Gichoya: Arising from the Minister's reply, Sir, could we know how many African contractors or how many African firms did apply for contract?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, if the hon. gentleman listened he would know that the original Member asked exactly the same question and I have answered it.

Question No. 7

BLIND SCHOOL AT THE COAST

Mr. Mwatama asked the Minister for Education if the Minister would inform the House when it was proposed to establish a school for the blind at the Coast, both for children and adults, and so bring the social services in the region into line with those of other regions in that respect.

The Minister for Education (Mr. Otiende): The Ministry is going to investigate, and as soon as finances permit one will be opened.

At the present time we have four schools for the blind in Kenya and they cater for children up to intermediate school level. These are supervised by missionaries and are grant-aided by the Kenya Government and they are open to all pupils of every region. There is one school among these that provides education for blind adults. This is also open to people from all regions.

In the past, the blind children and adults from the Coast Region have been admitted to schools for the blind in other regions. There is no reason why this should not continue until such time as a school for the blind is established at the Coast.

Mr. Omar: Mr. Speaker, arising from the reply given by the hon. Minister, could he tell the House when the investigation is likely to be completed?

The Minister for Education (Mr. Otiende): Mr. Speaker, I thought I had answered that question. I said, "as soon as finances permit." I omitted to say as soon as a number of blind people come forward.

Mr. Somo: Mr. Speaker, Sir, would the hon. Minister clearly state when this money will be ready to open the school for the blind in the Coast Region?

The Minister for Education (Mr. Otiende): I cannot give an answer to that, Mr. Speaker.

Mr. ole Tipis: Mr. Speaker, Sir, the hon. Minister keeps on saying as soon as finances permit. He did say that these schools for the blind are run by the missionaries and other voluntary societies. Whose finances are these which he is talking about, missionary finances or Government finances?

The Minister for Education (Mr. Otiende): Mr. Speaker, it is very clear which finances I am talking about.

Mr. Shikuku: Arising from the Minister's reply, he did mention the question of shortage of money and also the number of blind men, including women. Does he mean to tell the House that the schools for blind men and women will only be opened where there are so many blind people in the area?

The Minister for Education (Mr. Otiende): By saying "man" I suppose the hon. Member means men and women. Sir, the blind schools, so far, have been run by kind voluntary bodies with Government assistance. I am only saying that, in the future, we will try to open our own schools, but we cannot do this unless finances permit. As to when that will be, I think you should ask the Minister for Finance.

Question No. 13

PREVENTION OF SLEEPING SICKNESS AND TUBERCULOSIS: SOUTH NYANZA

Mr. Ngala-Abok asked the Minister for Health and Housing what the Ministry was doing for the prevention and eradication of sleeping sickness and tuberculosis in South Nyanza.

The Minister for Natural Resources (Mr. Sagim): Mr. Speaker, Sir, I beg to reply—

Mr. Shikuku: I rise on a point of order. Is this the right Minister? I thought this question was addressed to the Minister for Health and Housing.

The Minister for Health and Housing (Dr. Mungai): My Ministry is following up three ways of eradicating and preventing sleeping sickness in South Nyanza. One is to eradicate the causes completely, the second is to cure those suffering from infection and the third is to maintain and keep the area free from tsetse fly.

There are two types of sleeping sickness in South Nyanza, one due to *T. gambiense* which is spread by a *G. palpalis*. This type of fly lives along the shores of the lakes and rivers. The next type is *T. rhodesiense* which is spread by *G. palpalis*. To eradicate the first type, we spray the areas where the fly lives, and then we have mobile units which go round treating the people who are known to be sick or arranging for them to be sent to areas where they can be treated.

The other one is a more difficult fly to deal with because it is more widely spread in other parts of Central Nyanza, Lambwe Valley and parts of North Nyanza or Western Region. The eradication of this is going to be expensive. In the past, we just used the method which I have described, but now we have embarked on a new method whereby you need a new programme to eradicate the fly altogether, and that involves spraying and then clearing the bush and then having people settled there so that it remains inhabited by human beings. After that they continue farming and producing. This is going to involve several Ministries: the Ministry of Agriculture, the Ministry of Settlement, the Ministry of Finance and the local councils in the area, because, eventually, they will have to make sure that these areas are inhabited. In the past, when it was just a purely public health problem, we approached several international bodies to give us some aid in the eradication of the fly, but the Government in power at that time did not succeed. Now, after having had several meetings with the Ministers concerned, we again are approaching international

bodies to show them our new comprehensive programme in order that we may get some funds which we do not have at the present time so that we can plan to eradicate the fly altogether.

Finally, I would like to mention that we regard this to be an urgent problem because a spread of sleeping sickness in the area would be much more expensive than undertaking this other approach.

With regard to the second part of the question, we have three approaches on the treatment of tuberculosis in the area. We have a domiciliary service, whereby people are hospitalised for a short time and then we send people for follow-up, they are treated at home and we see how they are getting on. The second one is that we have certain beds in Kisii hospital set aside for tuberculosis patients coming from South Nyanza. In this hospital, we have an X-ray department and a radiographer to deal with people suffering from this disease. The third one is that we have started a B.G.G. vaccination campaign in the area which is being intensified starting next month, and we hope by the end of 1964 that all schoolchildren will have been vaccinated, and that by the beginning of 1965 we shall start with the pre-school children.

Mr. Ngala-Abok: Mr. Speaker, arising from the Minister's reply, would the Minister tell us how much work has been done on spraying? My second question is: could he give us a breakdown of the cases of sleeping sickness and the cases of tuberculosis that are being treated in South Nyanza?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, I have already said that along the shores and the rivers we have been spraying for some years and this work has progressed very well.

In answer to the second part of the question, in 1961 there were 153 patients treated for sleeping sickness; in 1962 there were 119; and in 1963 the figure had dropped so that there were only 52, 15 of them were from Central Nyanza and 32 from South Nyanza.

The breakdown for tuberculosis I do not have now, but I can produce it.

Mr. Ngala-Abok: Mr. Speaker, would the Minister agree with me that there is not sufficient treatment being carried out at Kisii hospital, which is the only one to which these patients are sent, and that he should agree with us that there is not sufficient staff to combat this disease?

The Speaker (Mr. Slade): I think that is going off the question, the question is the prevention and eradication of the disease, not the treatment of those who have it.

Mr. Ngala-Abok: But that is to remove the disease from the area.

Mr. Balala: Arising from the reply of the Minister, do I understand that the policy towards tuberculosis has changed within the last two years?

The Minister for Health and Housing (Dr. Mungai): It has not.

Mr. Masinde: Mr. Speaker, Sir, could we be told by the hon. Minister how many times the spray is carried in a year?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, this is carried after several weeks.

Mr. Tuwei: Will the Minister tell the House whether he has visited the area or is he relying on reports?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir a visit has been arranged so that the Minister for Agriculture, the Minister for Finance and the Minister for Settlement can visit the area and discuss it with the Members of the area and the local council, and those involved in the treatment and eradication of this disease. I would like to point out this is not an easy disease to eradicate as it has been found in other parts of Africa. This visit is going to be arranged probably next month.

Question No. 14

CLOSING OF KITERE MINES: SOUTH NYANZA

Mr. Ngala-Abok asked the Minister for Natural Resources if the Minister would inform the House why the Kitero gold mines in Kamagambo Location, South Nyanza, were closed and whether they could be reopened by any interested firm?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. The Kitero group of gold mines operated between 1939 and 1954. They were situated on narrow veins yielding a minimum value of one quarter ounce of gold for every ton of ore milled. The veins were followed underground to a depth of 700 ft. where they became too thin for economic operation. The mines are now flooded and the cost of pumping them out would be excessive. Mr. Speaker, Sir, the Government is considering a U.N. Special Fund Project for mineral investigation and re-examination in the area. Any further commercial interest or development will depend on the discovery of new veins comparable in extent and gold content, to those now worked out.

Mr. Ngala-Abok: Mr. Speaker, Sir, can the Minister assure us that this will be carried out as soon as possible?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, I will tell the Member that we are going to take steps and he can leave it to us to do so.

Mr. Shikuku: Arising from the Minister's reply, can he tell us whether he has the same plan for any other area in Kenya where gold was formerly mined?

The Speaker (Mr. Slade): That is another question.

Question No. 15

FRUIT AND SUGAR PRODUCTION: SOUTH NYANZA

Mr. Ngala-Abok asked the Minister for Agriculture and Animal Husbandry if the Minister would inform the House what the results of the negotiations have been regarding the introduction of—

- a fruit drying and processing industry in South Nyanza;
- a brown and white sugar producing industry in the same district?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply on behalf of my Minister—

- I am afraid the firm concerned shifted its interest to Naivasha to take produce from settlement schemes.
- Insufficient sugar cane is grown in the district to warrant the establishment of a sugar factory in the area. There are, however, a number of jaggery factories mainly run on a co-operative basis.

Mr. Ngala-Abok: Mr. Speaker, Sir, could the Junior Minister tell me whether he has personally visited this district to prove the case?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, we have our experts in the field who are responsible to make reports to the Ministry.

Mr. Shikuku: Arising from the reply, is he aware that jaggery is used for the production of Nubian gin?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): So is white sugar, but jaggery is used as fodder for some animals.

Mr. Malsori-Itumbo: Arising from the Junior Minister's reply, that they have people informing them, what is the latest information about this?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): The latest information is that there is practically no fruit in that area.

Mr. Omar: Arising from the Junior Minister's reply, could he inform the House how many acres of sugar-cane are now under plantation, and how many acres of sugar-cane are required for a sugar factory?

The Speaker (Mr. Slade): Only in this particular district?

Mr. Omar: Yes.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, the recent acreage of sugar-cane was 1,146 acres of cane growing at this time in patches, and the acreage warranting a white sugar factory is roughly 20,000 acres.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Junior Minister confirm the statement by his own Minister last July that this factory was being negotiated for that district and was the Minister then not aware that there was no fruit in the district?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): The Minister did not say specifically that it was being negotiated for that district, but he was answering a number of remarks made by the Member for Majooje-Bassi that there was a possible negotiation going on to erect a factory in that area, that is Kisii District, and there are possibilities of erecting a factory. We are trying to investigate the type of fruit now growing in Kisii District and if it were the right kind, then we might consider erecting a factory there.

Question No. 18

FARMERS' TRAINING SCHOOL: HOMA BAY

Mr. Ngala-Abok asked the Minister for Agriculture and Animal Husbandry whether, in view of the fact that plans were being prepared some time back to establish a farmers' training school at Homa Bay, the Minister could tell the House exactly when the buildings would be erected and the school opened?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, on behalf of my Minister, I beg to

reply. The hon. Member may not be aware that the construction of a Farmers' Training Centre at Homa Bay is being financed by the Freedom from Hunger Committee of the City of Sheffield in the United Kingdom. The Government has sent to this Committee the necessary materials for publicity to help them in raising funds. This committee has informed my Ministry that collection is going on well and that they hope to raise about £20,000 in the first year, of the total promised capital of £42,000. As soon as the funds are remitted to us, we shall start work.

Mr. Ngala-Abok: What funds, apart from the funds being raised in Britain, are the Government going to give towards the Farmers' Training Centre?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): This can only be dealt with if it should be needed to substitute the shortage.

Mr. Ngala-Abok: What provisional arrangements, Mr. Speaker, could the Junior Minister tell me, are there for the training of farmers in South Nyanza while waiting for this fund to be raised?

The Speaker (Mr. Slade): That is getting away from the question again.

Question No. 19

KISUMU-KISII-HOMA BAY: TARMAC ROAD

Mr. Ngala-Abok asked the Minister for Works, Communications and Power if the Minister would tell the House when a tarmac road between Kisumu, Kisii and Homa Bay was to be constructed?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply. In the next Road Authority Development Plan £230,000 will be set aside for the betterment of the Kisii-Ahero Road. This will be for the purposes of realignment and culverting with the aim of raising the standard of the road to a point whereby it could be bituminized at a later date when more funds are available. At the moment, there are no plans to construct a bitumen road from Kisii to Homa Bay as there are no funds available. Furthermore, the small traffic density does not warrant such improvements.

Mr. Omar: Arising from the Parliamentary Secretary's reply, could he inform the House when the plans are likely to be ready for the road between Kisii and Homa Bay?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I said when the funds are available for the Road Authority Development plan for the whole country, not specifically for this one area alone.

Mr. Anylen: Arising from the reply, as there is no other plan for the tarmac-ing of the roads, could the Parliamentary Secretary give us, in order, the roads that he has in mind which have preference over this one?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): That is another question, Mr. Speaker

Question No. 20

GOVERNMENT'S INTENTION ON COMPLETION OF TANA BASIN SURVEY

Mr. Kase asked the Minister for Agriculture for Agriculture and Animal Husbandry if it was the Government's intention on the completion of the Tana Basin Survey and the commencement of the scheme, to arrest the flow of water and do away with the floods from which the area suffers now?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, on behalf of my Minister, I beg to reply. At this stage the Government is not in a position to state what the position will be on the completion of the Tana Basin Survey and the commencement of any major development scheme, which the Government may decide to implement. The Survey Team has been instructed to carry out an intensive pre-investment survey which will last for about 3 years. Further, the Survey Team has been asked to take into consideration all relevant factors including the points raised in the question and to make appropriate recommendations which will be submitted to the Kenya Government for consideration. The Government will consult the people living in the Tana basin before any major development schemes are embarked on and their interests will be given full consideration at the appropriate stage.

Question No. 21

MAIZE PLOTS: GALOLE IRRIGATION SCHEME

Mr. Kase asked the Minister for Lands and Settlement if the Minister was aware that the one-acre plots to tenants on the Galole Irrigation Scheme to plant maize was not enough

to produce a crop for a person to live on for a year? If the answer was yes, what was the Minister doing to correct this?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, on behalf of my Minister, I beg to reply. Tenants are allowed half an acre to plant maize. This is because as in all other irrigation schemes, it is Government's policy to stress one crop and cotton is being stressed in Galole. Furthermore, maize breed American boll worm which is a serious cotton pest. It would be economically unwise to allow the tenants to plant a big acreage of maize. The Ministry is now carrying out experiments on methods which would increase the cotton yield which in turn would bring in more money to the tenants. With the increased cash, the tenants could buy maize elsewhere.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, he says that there is a worm which destroys the maize. Is the Ministry doing something to eliminate this or remedy this?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I think the hon. Member did not understand my answer, Sir. There is the American boll worm which destroys cotton when maize is planted; it comes from maize

Mr. Shikuku: Mr. Speaker, is the Parliamentary Secretary aware that the main staple food for Africans is *ugali*, *sima* or stiff porridge, which is made out of maize and hence the Government should look into this question?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): We are very much aware of that and we have allowed half an acre for planting the maize.

Mr. Masinde: Mr. Speaker, is the Junior Minister aware that half an acre would not be enough to provide food for the whole family throughout the year?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Indeed, Sir, I am aware of that, but the Government provides also some allowance in cash to loan these tenants to buy maize on the spot.

Mr. Kase: Mr. Speaker, arising from one of the Parliamentary Secretary's reply, is he aware that after all these loans, the tenant is left with no single thing, that he is not able to buy any more maize, and why can they not increase the half acre of maize?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, as I have answered previously, we are trying to increase the production of cotton to put more cash into the hands of tenants in this place. I think the hon. Member is aware that the Tana River irrigation scheme has been given the widest publicity in the world and definitely, when the scheme is enlarged, this will be catered for.

Mr. Shikuku: Arising from the Parliamentary Secretary's reply as far as cotton is concerned, is he not aware that we reap maize earlier than cotton and, therefore, people will be suffering in the meantime they are waiting to get cash from cotton?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, I am surprised to hear that question from the hon. Member because I replied to him, previously that the Government made an allowance of some money to loan to these tenants while their cotton is growing.

Question No. 22

MALINDI-GARSEN-LAMU-GALOLE ROADS: IMPROVEMENT

Mr. Kase asked the Minister for Works, Communications and Power when the Government was going to improve the condition of the Malindi-Garsen, Garsen-Lamu, Garsen-Galole roads so that they became passable throughout the year.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply.

The roads in question are actually Malindi-Garsen-Lamu; and Garsen-Galole; the question is misleading.

The Malindi-Garsen-Lamu road was extensively damaged in the disastrous floods of 1961-62. It had, before the floods, received considerable grants towards its betterment.

Subsequent to the floods, £39,000 was spent upon remedial work and approximately £140,000 upon the provision of a new bridge over the Sabaki River. Most of this expenditure was met by a special grant from Her Majesty's Government.

The Malindi-Garsen road is at present being reconstituted to a pre-flood state and, except during heavy rain, it is passable. We regret to say that more damage has been caused by the last short rains and has slowed down the work considerably.

A detailed examination has been carried out with the intention of bringing this section up to an all-weather road standard in the near future if funds should become available.

From Garsen, the roads branch off to the riverine areas of the Tana and to Lamu and to other points in the north. The construction of roads both to Galole and to Lamu will be a very expensive undertaking as the work will have to be done through long stretches of difficult terrain including alluvial plains subject to annual flooding. However, eventual decision taken on the Tana River Irrigation Scheme, the Seven Forks dam and on ultimate control of the flood waters of the Tana River, may greatly assist in the provision of all-weather roads in the area in question.

Mr. Komora: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, for how long shall we have to wait for this irrigation scheme to be completed, so that the Ministry may get on with making up the roads?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, until a decision has been taken on these projects.

Mr. Kase: Mr. Speaker, arising from the Parliamentary Secretary's reply, is he aware that when you start of from Garsen to Galole, the stretch is not longer than 10 miles, the area which we want improved?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): We are aware of that, Sir, we have the maps, we have the surveyors and we have everything.

Mr. Shikuku: Arising from the Parliamentary Secretary's reply, Sir, if he is aware of the shortage of the distance between those areas, does he not think that, in view of the fact that it is so short, it would be sensible to have that done or tarmac-ed?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, it is not a question of tarmac-ing the road but of making it an all-weather road. I have already answered this question and I have said that the work on the main road is being hampered by having to repeat the work which has already been done and now being spoilt, by the last short rains.

Mr. Komora: Mr. Speaker, Sir, is the Parliamentary Secretary not aware that it is weakness on the part of the Ministry to reply that it is expensive, when he should be making it clear to this House what plans they are making to tackle it?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I do not accept that point. It is the duty of our Ministry to tell the country the truth, and we have told you that it is expensive.

Question No. 23

GARSEN-GALOLE: EXTENSION OF TELEPHONE LINE

Mr. Kase asked the Minister for Works, Communications and Power if the Government had any intention of extending the telephone line from Garsen to the administrative centre at Galole? If yes, when? If no, why?

The Minister for Works, Communications and Power (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. It is not the intention to extend the telephone line from Garsen to the administrative centre at Galole within the foreseeable future. The reasons for this are:—

- (a) There have been no applications for a telephone service at Galole.
- (b) The cost of providing a telephone line would be of the order of £10,000 and this is only approximate. More accurate cost could not be quoted until a detailed survey is carried out. However, even on the approximate costs, which are the minimum of the expense that would be involved, the provision of a telephone service in the Galole area would not be an economic proposition.
- (c) The Government offices of the administrative centre, Galole, already have access to the main telephone and telegraph networks by means of the Radio Call service.

Mr. Kase: Arising from the Minister's reply, who are the people who should apply? Let me rephrase my question.

Arising from the Minister's reply when he said he has had no applications, what people does he consider should send in their applications?

The Minister for Works, Communications and Power (Mr. Mwanyumba): Mr. Speaker, Sir, I mean the public, the ordinary people who are in need of telephones in their homes. The Administration there is well served by telephones at the present time.

Mr. Kase: Is the Minister aware that ten shopkeepers have placed applications, all the Government offices, apart from the Administrative offices, have placed applications, but they have been turned down.

The Minister for Works, Communications and Power (Mr. Mwanyumba): A few people cannot expect the Government to extend a telephone service costing £10,000 just for them.

Mr. Kase: Is the Minister going to tell us whether the public is not going to make use of that telephone?

The Minister for Works, Communications and Power (Mr. Mwanyumba): Would the Member repeat the question?

Mr. Kase: Could the Minister tell the House whether the public would not make use of that telephone?

The Minister for Works, Communications and Power (Mr. Mwanyumba): I am not quite sure what telephone the Member is talking about. I have said that we cannot extend telephone services until we feel that there are enough applicants to use the telephone. Therefore, there is no telephonic service there at present for the use of the public.

Mr. Komora: Is the Minister aware that the radio used by the Administration is out of order?

The Minister for Works, Communications and Power (Mr. Mwanyumba): It is not out of order.

The Speaker (Mr. Slade): We have had long enough for questions now.

NOTICES OF MOTIONS ON THE ADJOURNMENT

RECRUITMENT INTO THE POLICE FORCE

The Speaker (Mr. Slade): I have to inform hon. Members that I have had notice from three or four Members of their desire to raise matters on an adjournment. I have had to make a choice, and I have allocated to Mr. Shikuku tomorrow evening at the close of ordinary business to raise the matter of recruitment of youth into the Kenya Police without regard to party affiliations.

COMPENSATION FOR DEMOLITION OF SHOPS IN KARATINA

I have allotted to Mr. Wamuthenya at the close of ordinary business on Thursday, 27th, to raise the matter of compensation for eleven shops at Karatina, which were demolished in 1961.

BILLS

First Readings

THE AFRICAN DEVELOPMENT BANK BILL

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow)

THE HOSPITAL TREATMENT RELIEF (ASIAN AND ARAB) (AMENDMENT) BILL

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow)

THE CUSTOMS TARIFF (AMENDMENT) BILL

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow)

THE PYRETHRUM BILL

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow)

THE KENYA MILITARY FORCES (AMENDMENT) BILL

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow)

Second Reading

THE PUBLIC ORDER (AMENDMENT) BILL

The Parliamentary Secretary for Internal Security and Defence (Dr. Wajaki): Mr. Speaker, Sir, I beg to move that the Public Order (Amendment) Bill, be now read a Second Time.

The purpose of the amendments, Mr. Speaker, are to normalise the Public Order Bill, 1963, to suit the conditions of independence. As such, I do not expect that there will be much quarrel with the amendments we propose.

The substance of the amendments, is as follows. Section 10 of the Public Order Ordinance, which

prohibits the display of political flags and emblems at public meetings, has been found to be of little or no value for the purpose of the maintenance of public order, and it is considered no longer to serve any useful purpose. Clause 2 of the Bill, therefore, repeals this section 10.

The other amendment, Mr. Speaker, refers to section 13 of the Public Order Ordinance which provides that a person who suffers damage by reason of the conduct of the inhabitants of a disturbed area may obtain compensation for his loss. Subsection (iv) of section 13 of the Public Order Bill, however, forbids a person who has received compensation from pursuing his civil remedy, even though the amount of compensation may be negligible in comparison with the amount of damages he would be entitled to in a civil suit. This, we feel, is unjust and therefore clause 3 of the Bill amends the subsection in such a way that the person who has received compensation will not be prevented from bringing a civil suit, but will have compensation deducted from any damages which he may recover in that suit.

The enactment of this law will not result in additional expenditure of public funds.

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

ADJOURNMENT

The Speaker (Mr. Slade): That concludes the business on the Order Paper. The House is therefore adjourned until tomorrow, Wednesday, 26th February, at 2.30 p.m.

The House rose at Fifteen Minutes past Four O'clock.

Wednesday, 26th February 1964

The House met at thirty minutes past two o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

NOTICES OF MOTIONS

Mr. Ngala: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

REDUCTION IN GOVERNMENT EXPENDITURE

In view of the careless and wasteful ways in which the taxpayers' moneys is spent by the Central Government, this House urges the Government to reduce its high and wasteful expenditure in order to effect some savings to assist the unemployed throughout the country.

TOLL ROADS SYSTEM: NATIONAL ASSEMBLY APPROVAL

That this House urges the Government to ascertain that the principle of a toll roads system is first approved by the National Assembly before it is applied on any road as the introduction of the system may impoverish citizens who own vehicles as a means of livelihood.

REDUNDANCY: HOSPITAL SERVICES

That this House urges the Government to set up a Commission Inquiry to investigate the redundancy of the Hospital services within Nairobi area with a view to producing a more economic pattern of the services.

DESIGNATION IN THE CIVIL SERVICE

Mr. Ngala-Abok: Mr. Speaker, Sir, I wish to give notice of the following Motion:—

That this House urges the Government to set up a Committee to examine the various designations of officers in the Civil Service and where it is considered more appropriate to recommend new designations in the best interests of the Service.

ELECTION OF CHIEFS AND HEADMEN

Mr. Gachaita: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

That in the opinion of this House, Chiefs and Headmen throughout the country should be elected and not appointed by District Commissioners or District Officers as heretofore.

Mr. Gichoya: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

That this House, in the furtherance of the concept of African Socialism, calls upon the Government to introduce appropriate legislation whereby every Minister of the Kenya Government should declare all his assets.

The Speaker (Mr. Slade): Hon. Members must wait to hear the whole Notice of Motion in silence, otherwise the point of the Notice is gone. They can make noises afterwards, for a short time at any rate.

Mr. Gichoya: Mr. Speaker, Sir, I beg to repeat the first Notice of Motion:—

DECLARATION OF ASSETS BY MINISTERS

That this House, in the furtherance of the concept of African Socialism, calls upon the Government to introduce appropriate legislation whereby every Minister of the Kenya Government should declare all his assets within and outside Kenya within one month of taking up office.

Secondly, Mr. Speaker, Sir, I wish to give notice of the following Motion:—

APPOINTMENT OF AREA COMMISSIONERS

That this House urges the Government to appoint "Area Commissioners (Political and Civil)" to be directly responsible to the Central Government and to act as liaison officers between the Political, Civil and Police Administrations in the Regions.

Mr. Ngala: On a point of order, Mr. Speaker, I only rise to seek your guidance. Is it permissible for a Member to move a Motion which is unconstitutional in this House?

The Speaker (Mr. Slade): We do try to avoid Notices of Motions which are in any way unconstitutional in the event of their being carried. Sometimes it is a matter of argument whether a Motion is or is not unconstitutional. Then I think it has to come before the House for that to be argued, and if necessary there can be reference afterwards, of course, to the Supreme Court for a decision.

I take it you are querying one of Mr. Gichoya's Motions here, but at this point I think we must accept the Notice of Motion. If there is any question as to the constitutional aspect of the Motion when it comes before the House, I hope we will have the advice of the Attorney-General at that time.

EXPULSION OF WHITE SOUTH AFRICANS

Mr. Kioko: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

That in view of the South African Government's hostility towards our brothers in South Africa, this House urges the Government to consider expelling all white South Africans living in Kenya immediately.

CONSIDERED RULING

CAPACITY OF HOUSE

The Speaker (Mr. Slade): Before calling on the next hon. Member, I should elaborate on what I said to Mr. Ngala; because, eventually, the Constitution itself is in the hands of this House. It is in order for an hon. Member to move an amendment of the Constitution, provided he makes clear by the terms of Motion that it is intended to be an amendment to the Constitution. In that case, of course, he will require a special majority.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Speaker, is it not the case that any Motion can be debated? The actual act of implementing it may be unconstitutional, but that is a different question altogether. I do not know whether the leader of the Opposition sought to debate a decision by this House on any matter. I would have thought that debate and decision is permissible, but if the decision requires an action which, in implementing it, would require a constitutional amendment, then, of course, it is for the Government to decide how best to implement it.

The Speaker (Mr. Slade): It is not strictly correct that this House is free to debate any Motion, because some are debarred by Standing Orders; for instance, a debate on a matter which is *sub judice*. But there are few such limitations, and it is true, as I indicated, that this House is quite free to debate an amendment to the Constitution. The only thing is, that where an amendment to the Constitution is involved, the Motion should make that very clear, so as to indicate to all concerned that it will require a special majority.

NOTICES OF MOTIONS

COMPENSATION TO EX-SERVICEMEN AND DEPENDENTS

Mr. Masinde: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

That this House urges the Government to discuss with the British Government the possibility of the British Government rewarding ex-servicemen and compensating the dependents of those killed in service before handing over responsibility for Kenya.

Mr. Shikuku: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

POLICE LACK OF PETROL: INQUIRY

That this House, mindful that every individual and his property has the right to be protected, calls upon the Government to set up an independent commission of inquiry to investigate and report on the failure of the police to respond to a call through lack of petrol when thieves broke into and stole property from a shop at Musalaba in Butere constituency.

COMMISSION OF INQUIRY: INTIMIDATION OF ABALUHYA

That this House expresses its deep concern regarding the incidents of intimidation, maltreatment and violence against the Abaluhya people in the Rubwa Location, and calls upon the Government to set up immediately an independent commission of inquiry to investigate the incidents and report thereon.

BUILDING OF UNIVERSITIES IN KENYA

That this House urges the Government to negotiate with those countries which have so generously assisted our educational programmes, by making available scholarships for Kenya youth at their universities and who have provided transport for the purposes, to devote their funds instead to the building of universities in Kenya.

REVISION OF EMERGENCY LEGISLATION: COMMITTEE FOR

Mr. Ngel: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

That this House desires that a committee be appointed to look into and advise the House on the need to revise, or otherwise, such legislation as was passed specifically to meet the situation created during the period of emergency in Kenya.

ORAL ANSWERS TO QUESTIONS

Question No. 8

CAMBRIDGE SCHOOL CERTIFICATE PAPERS: SETTING OF

Mr. J. M. Karubi asked the Minister for Education if he could tell the House (a) why it was that the School Certificate and Higher School Certificate examinations were still set by the Cambridge University in England, and (b) why could not the University of East Africa set such examinations?

The Minister for Education (Mr. Otiende): Mr. Speaker, do I understand that the question was also numbered 157?

The Speaker (Mr. Slade): It has been re-numbered because we have started a new session. It was formerly 157.

The Minister for Education (Mr. Otiende): The questioner asked why it is that the School Certificate and the Higher School Certificate are set by a body in England, and why they cannot be set by a body in East Africa.

The School Certificate and Higher School Certificate examinations are still set by the University of Cambridge because they are University of Cambridge examinations. It is essential that pupils in Kenya should be able to obtain qualifications which are recognized around the world. This enables them to go to foreign universities and they are accepted in professions all over the world. The Cambridge School and Higher School Certificates are recognized examinations in this way and they provide a universal standard. There is no local body at present which organizes alternative examinations that would be accepted as the equivalent of either the School Certificate or the Higher School Certificate.

The answer to the second part of the question is that it is true that in future the University of East Africa will be able to sponsor an examining body similar to the Local Examinations Syndicate of Cambridge University. To this end, we have started discussions with various other bodies, but there are no results at present which I can report to this House. It will require another two years to set up a new body for examinations and such a board would be very complicated and very expensive. It would also require very knowledgeable ladies and gentlemen to sit on the board.

Therefore, at present we are still doing the Cambridge examinations.

Mr. J. M. Kariuki: Mr. Speaker, Sir, arising from the Minister's reply, it seems that the universities of East Africa are now internationally recognized and, in this case, why cannot such examinations be set straight away?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, the answer is that the University is hardly six months old. The officers of this University should be congratulated because they have already thought of this problem and they have set up a committee to examine how this can be done: to start an examination body.

Mr. Somo: Mr. Speaker, is the hon. Minister telling this House that the lecturers of the University are only six months old?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, the hon. Member did not understand. I never said that the professors of the University were six months old.

Mr. Gatuguta: Mr. Speaker, would the Minister tell this House when he proposes to have the examinations set in East Africa; this year, next year or after?

The Minister for Education (Mr. Otiende): I am trying to take hon. Members into my confidence a little. To set up an examining body in East Africa we will have to alter everything. All the curricula in the schools would have to be altered from Standards 1 to IV and the school year would have to be altered to suit the new examinations. Therefore, it would literally take me 12 years to start this. It will, however, only take two to three years.

Mr. Gatuguta: Mr. Speaker, does the Minister agree with me that it is completely wrong for an independent country to have its examinations judged by a foreign country?

The Minister for Education (Mr. Otiende): I could not agree with the hon. Member more, but can the hon. Member give us an idea of how the educational standards should be judged at present?

Mr. Masinde: Mr. Speaker, Sir, arising from the Minister's reply, does he mean to say that we do not have manpower at present, and if we do not have it, how many people does he require to establish an examining body?

The Minister for Education (Mr. Otiende): Mr. Speaker, I do not only require manpower, I require brainpower.

Mr. Gichoya: Arising from one of the Minister's replies, are we being made to understand that in this free state of Kenya our people, who are professors and teachers today are incapable of being put on a Commission to examine our Nation?

An hon. Member: How many?

The Minister for Education (Mr. Otiende): I would like to suggest that the numbers of our people who could be utilized into such an important examining body would be considerable, but we have not got proof of this yet. If we state that it should all be black, the number of people available will be inadequate, but I expect that under the new schemes we are arranging we shall be able to have the support of the local non-Africans and that with foreign support, for which we have tried to negotiate, we shall succeed.

Mr. Ngala-Abok: Mr. Speaker, Sir, arising from the Minister's original reply, can he tell us when this Commission was set up and when it will complete its work?

The Minister for Education (Mr. Otiende): The Commission was set up only last December, and it will complete its work in the next month.

Question No. 11

AFRICANIZATION: EAST AFRICAN RAILWAYS AND HARBOURS ADMINISTRATION

Mr. J. M. Kariuki asked the Minister for Works, Communications and Power whether he would advise the appropriate authority to complete the Africanization of East African Railways and Harbours Administration as soon as possible.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. The appropriate authority is the East African Common Services Authority. At the end of 1962 the Authority appointed a Commission under the Chairmanship of Mr. J. O. Udoji, with terms of reference which required recommendations designed to accelerate Africanization of the East African Common Services Organization, including the East African Railways and Harbours. The Authority presented a Sessional Paper to the last session of the Central Legislative Assembly on the Report of the Commission which, with some modifications, adopted the recommendations contained in the Commission's Report. The adoption and implementation of these recommendations will ensure that the Africanization is completed as soon as possible, taking account of the need to maintain the efficiency and viability of the undertaking.

Mr. J. M. Kariuki: Mr. Speaker, Sir, arising from the Minister's reply, I would like to know whether he is aware that after a post is Africanized the very person or persons, who had their jobs taken over is given more responsibility within the same department in an advisory capacity.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, I am not aware of that unless I am given a specific example.

Mr. amp Moh: Mr. Speaker, Sir, arising out of the Minister's previous reply, is the Minister aware that the Africans, who have been promoted in the East African Railways and Harbours, have never been given salaries commensurate with their posts?

The Minister for Works, Communications and Power (Mr. Mwanjumba): That is not true, Mr. Speaker, Sir, because we have given exactly the same terms of service to Africans who have taken over these posts.

Mr. Shikuku: Arising from the previous reply, when the Minister said he was not aware of some people who are in the same department, and who are to act in an advisory capacity, would he assure the House that he will look into this question and inform the House?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I have said that unless I have been given specific examples, it is difficult to say, but I am prepared to look into it if the Member could give me the examples.

Mr. Gatuguta: Mr. Speaker, Sir, is it true that the question of Africanization in the East African Railways and Harbours is made more difficult by the fact that expatriates who have retired and receive pensions have been re-employed?

The Minister for Works, Communications and Power (Mr. Mwanjumba): No, Sir, sometimes it is true that we are employing expatriates in an advisory capacity where we have, for example, an African to understand a post which was not held by an African before.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Minister refute or confirm the allegation that the Africanization being carried out in the Railways Administration is based on tribalism?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I would refute that allegation.

The Speaker (Mr. Slade): In any case, it is not relevant to the main question.

Mr. Khasnkhal: Mr. Speaker, Sir, arising from the Minister's reply could he tell the House how the commission was composed?

The Minister for Works, Communications and Power (Mr. Mwanjumba): This Paper was laid on the Table of the House some time ago. I would refer the hon. Member to the library.

Mr. Pandya: Mr. Speaker, Sir, would the Minister agree that the process of Africanization includes people of all races who have taken up citizenship of the East African countries?

The Minister for Works, Communications and Power (Mr. Mwanjumba): The answer is yes, Sir, we have also to take into account those other people who have taken out citizenship.

Mr. ole Tips: Mr. Speaker, Sir, the hon. Minister referred to these reports by the Commission. Could he tell us whether the Kenya Government really initiated or put up a strong representation to the East African Common Services Organization to have this body set up, or was it just sitting idle like that?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I have not been able to understand the hon. Member's question, but the point is that this Commission was appointed by the Authority which also includes the Kenya Government.

Question No. 25

LAND CONSOLIDATION: SOUTH NYANZA

Mr. Agar asked the Minister for Lands and Settlement if the Minister would tell the House:

- What funds had been made available by the Government for Land Consolidation and Development in South Nyanza?
- When the Government would extend land consolidation operations throughout the district instead of confining them to one location as in the case at present?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply: (a) The funds made available for land consolidation in South Nyanza are £1,000. (b) The reason for the small amount at present made available is that land consolidation has only recently started in South Nyanza and is therefore very much in the exploratory stage to enable the Government to gain experience of the particular local problems which will arise in that area. Consequently upon the success of the pilot scheme, the Government will extend land consolidation to other parts of South Nyanza as quickly as possible, and for that purpose will set apart a substantial sum for the financial year 1964/65.

Mr. Agar: Mr. Speaker, Sir, in view of the fact that the whole district is now ready for land consolidation, would the Minister give an assurance to this House that he will give the date when more funds will be available for the projects, and also assure the House that this project will commence this year.

The Minister for Lands and Settlement (Mr. Angaine): Yes, Sir.

Mr. Murgor: Mr. Speaker, Sir, would the Minister tell the House exactly what date he thinks

this scheme will be expanded to cover the whole district?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, some time this year.

Question No. 27

HYDRO-ELECTRIC STATION: RIVER MIRIU

Mr. Agar asked the Minister for Works, Communications and Power if the Minister could inform the House if his engineers had made any recommendations concerning the building of a hydro-electric power station on the River Miriu?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. I have received advice upon the development of the Miriu River for hydro-electric power in the following reports:—

Report on the hydro-electric resources of Kenya: E. V. Richards: 1947.

Kenya Nile Basin water resources survey: Sir Alexander Gibbs and partners: 1954-1956.

The reports suggest that it may be practicable to exploit the Miriu for a small amount of electric power at some future date but as yet the Miriu is a much less attractive source of power than available alternatives such as the Tana River.

Mr. Agar: Mr. Speaker, Sir, I could not follow the reading of the answer to this question at all.

The Speaker (Mr. Slade): Ask a supplementary question to find out what you want to know.

Mr. Agar: Mr. Speaker, Sir, I wish to know which other alternative source of power the Government is devising in the districts of South Nyanza, in order to provide power for the development of industries?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, my Ministry has just asked the East African Power and Lighting Company to investigate all the districts of Kenya and find out where we can get electric power, and how much it costs. When these reports are ready they will be conveyed to the Regional Assemblies and county councils for their approval.

Mr. Agar: Mr. Speaker, Sir, could the Minister tell the House how soon this investigation will be carried out, and when we can expect the results of these investigations?

The Minister for Works, Communications and Power (Mr. Mwanjumba): We expect the results when they are ready.

Mr. Ouwari: Mr. Speaker, Sir, can the Minister accept that these investigations set up by East African Power and Lighting are sometimes incorrect, and as such they are letting our Government down?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Unless the hon. Member is ready to substantiate his allegations, I would not agree with him.

The Speaker (Mr. Slade): We have gone a long way from the River Miriu.

Question No. 28

REMOVAL OF ROAD CONSTRUCTION UNITS:
NYANZA

Mr. Agar asked the Minister for Works, Communications and Power why all the road construction units had been removed from the Nyanza Region to other regions?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The road construction units working in the Nyanza and Western Regions have not been removed to other regions. The main construction unit which has been employed on the Kapsabet-Chevakale road is moving to reconstruct and bitumenize the Kisumu-Kisiani section of the Kisumu-Yala road and this will employ them for a number of months to come. Other smaller construction units, largely consisting of local authority plant and staff, are continuing to work on road projects in the International Bank Loan Scheme.

It must be pointed out, however, that the needs of work elsewhere on the national trunk road system, for example, on the Mombasa-Nairobi road, as well as the Training School at present at Sagana, may make it necessary at some stage to remove some of the plant now in Nyanza or Western Regions. In fact some such movement of plant is already taking place from Central and Coast Regions. However, it is intended to leave with each region a reasonable amount of plant to enable it at least to continue with road maintenance and to be able to undertake a reasonable amount of road improvement work which may be required, including work for the regional authorities.

A further complication which can arise is the mechanical maintenance of plant, especially as it becomes older and less reliable. It is hoped to keep a competent mechanical staff at an adequate level and so far this has been achieved.

Mr. Agar: Could the Parliamentary Secretary tell the House how his Ministry keeps on checking on the national roads when they get destroyed. One does not see any machinery working on them sometimes for three or four months, during which time they get very bad and impassable.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, we have continuous reports coming in all the time and with the available machinery and plant we do our best.

Mr. Khasakhala: Arising from the Parliamentary Secretary's reply, he has stated that the mobile units from the Kapsabet and Kaimosi roads will be moved to the Kisumu-Kisiani road. Could he tell the House how soon this will be?

The Speaker (Mr. Slade): We are going a bit far now. The question was on the removal of constructional units from Nyanza.

Mr. Khasakhala: Mr. Speaker, this refers to Nyanza Region and to the Kisumu-Kisiani road in Nyanza.

The Speaker (Mr. Slade): No, I am sorry. We must keep to the point of what construction units there are in Nyanza Region and why.

Mr. Mbogoh: Mr. Speaker, Sir, could the Parliamentary Secretary assure this House that he will not remove the units working on other roads because of this question?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I have answered that part of the question earlier. I said that the training school which will provide expert manpower for all the Regions, has priority, and I have warned the House that it may be necessary to remove some necessary machinery and plant to give to the training school. Movement is already taking place in the Central and Coast Regions.

The Speaker (Mr. Slade): The question was whether you will change your policy as a result of this question?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): I do not think this question will change the policy at all.

Mr. ole Tips: Mr. Speaker, Sir, can the Parliamentary Secretary give us an assurance that his Ministry will deploy the road construction units from various parts in some of the Regions rather than keeping them idle in one particular Region, when they can be usefully employed for road construction elsewhere?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): I think that is another question, Mr. Speaker.

Question No. 29

POST OFFICES, SOUTH NYANZA, MIGORI AND KENDU BAY

Mr. Agar asked the Minister for Works, Communications and Power if the Minister would tell the House why there was not a single post office in South Nyanza District even in the District Headquarters? Would he ask the East African Posts and Telecommunications Administration to consider building a post office in Migori and Kendu Bay immediately?

The Minister for Works, Communications and Power (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to reply. South Nyanza District is served by eight postal agencies, namely Homa Bay, Kendu Bay, Macalder Mines, Migori, Oyugis, Rongo Market, Sare and Suna (Migori). These agencies provide registered and parcel facilities in addition to ordinary mail services. Postal orders are sold and encashed at seven of these offices. Telephone facilities are available at Homa Bay.

Plans are in hand to elevate the status of Homa Bay Postal Agency to Departmental Post Office status in 1964, with full scale postal and telephone facilities, at the following costs:—

	Per annum	£
Construction of new Post Office and Telephone Exchange	6,000	
Provision of staff housing	1,500	
Recurrent cost of staffing, inclusive of personal overheads only	810	

Full postal and telecommunications facilities at Kendu Bay and Suna (Migori) cannot be provided at present owing to the lack of funds, coupled with the fact that the amount of postal business offering does not, as yet, warrant such an undertaking. The Postal Authorities, however, constantly review the position, and the hon. Member may rest assured that as soon as the amount of business justifies provision of full scale postal facilities, and provided necessary funds are available, consideration will be given to raising the agencies to full departmental office status.

Mr. Agar: Mr. Speaker, Sir, the question was asking about post offices, and the Minister has given information about postal agencies, which are merely shops where one can buy stamps. I want to know why no post office is there as yet.

The Minister for Works, Communications and Power (Mr. Mwanyumba): Mr. Speaker, I have said that there are these agencies. Unless we know that there is business to warrant the raising of the status, it is impossible for us to do anything.

Mr. Agar: Mr. Speaker, Sir, would the Minister tell the House which are the services that he needs to know exist in the areas in order to warrant the building of post offices?

The Minister for Works, Communications and Power (Mr. Mwanyumba): Mr. Speaker, Sir, if the hon. Member could persuade the people in his constituency to use the post office for posting letters, that would raise the number of letters posted. Unless we can know the number of people that use the telephones and so on, we can do nothing.

Mr. Agar: Mr. Speaker, Sir, could the Minister tell the House how he can make sure that the whole district is using the post office, that all the people are using it, before the post office is actually there?

The Minister for Works, Communications and Power (Mr. Mwanyumba): Mr. Speaker, we know the number of letters which are handled by the post office.

Mr. Mutiso: Mr. Speaker, does the Minister mean that, in view of the fact there are so many postal agencies in that area already listed, it does not warrant the establishment of a post office?

Question No. 31

ATHI RIVER-NAMANGA ROAD: TARMAC

Mr. ole Olotipitip asked the Minister for Works, Communications and Power when the Ministry would tarmac the major road from Athi River to Namanga?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply.

The Speaker (Mr. Slade): Order, order. There is too much talking. It would be much better if hon. Members allowed the answer to be heard.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): The Government has drawn up a Road Development Plan to cover the next six years. In this plan the Namanga Road ranks top in priority and in the event of the Government being able to raise the required loan this road will be bituminized.

Mr. Murgor: Mr. Speaker, Sir, the Parliamentary Secretary has said the plan is for six years. In which year of these six years will the Namanga road be bituminized?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, the plan covers the period from June 1964, to June 1970, and the Namanga road project will come in between: say, from 1966 to 1970.

Mr. Murgor: Mr. Speaker, Sir, it appears that the Parliamentary Secretary is not aware of this; we want to know the exact year and the exact month of the year.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, if the hon. Member was listening he would have heard me tell the House that it was from the year 1966 to 1970.

Mr. Ngala: Arising from one of the replies by the Parliamentary Secretary, Mr. Speaker, may I know whether the Mombasa road is given first priority over the Namanga road, because the Parliamentary Secretary said that the Namanga road is given top priority? Does he imply that Mombasa is secondary in priority?

The Speaker (Mr. Slade): That is ingenious. Mr. Ngala, but I am afraid it is quite irrelevant.

Question No. 32

INTERNATIONAL PRESS BUREAU'S ABSORPTION OF AFRICAN STAFF

Mr. Obok asked the Minister for Labour and Social Services whether the Government had any arrangement whereby local officers of International Press Bureaux ensured that Africans were absorbed on their staffs.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply.

This question does not directly come under my portfolio, it concerns the Minister for Information and the Minister for Home Affairs, who really deal with matters concerning other countries and information.

Mr. ole Olotipitip: On a point of order, Mr. Speaker, is it in order for the Minister to reply to such a question if he thinks it does not come under his portfolio?

The Speaker (Mr. Slade): It would be much better for the Minister responsible to reply, but we have not heard the end of what Mr. Mwendwa has to say; we shall probably hear why he is replying.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, if only Members would be patient, they can hear the answers.

However, Mr. Speaker, if the hon. Member wishes to ask me to pass the information to the Minister concerned that these African press people have been trained and they have the qualifications, I can do so. However, again, if he wishes me to register them in my labour exchange as people seeking employment, I can easily do so, Mr. Speaker.

Mr. Ngala: Arising from the lack of reply from the Government side on this question, Mr. Speaker, Sir, may I seek your guidance on this point? The question is not for the Minister for Labour, but this question was submitted some time ago, so why did the Government not give this question to the proper Minister for this House to get a reply?

The Speaker (Mr. Slade): If this is raised as a point of order, I have to say that I cannot actually control the Government in deciding which Minister answers which question, but if a question is asked of the wrong Minister, it is very desirable that it should be passed to the right Minister. However, if there is a question to Mr. Mwendwa as to why he answered this one, he may wish to answer.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I thought it was entirely for the Member who asks the question to say to whom the question should be directed. Therefore, if it is the ignorance of the Member who does not know to which Minister it should go, it is his own fault.

The Speaker (Mr. Slade): No, that is not the right attitude. As I say, I cannot control which Minister is to answer, but it is the practice, and the obvious, sensible practice, that if a Minister receives a question which does not concern his Ministry, he passes it on to the Minister who is responsible.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Speaker, has not the question, in fact, been answered? The last part of the Minister's reply said that if these people need jobs, they can apply to the Labour Exchange.

Mr. Khasakhala: On a point of order, Mr. Speaker, is it in order for a question to be asked in this House twice? If I remember correctly, this particular question has been answered in this House.

The Speaker (Mr. Slade): In a new Session a question can be raised again; in the same Session you cannot have the same question.

Mr. Agar: On a point of order, Mr. Speaker, can there be therefore a ruling that, since the Minister has said it does not concern his Ministry, this question has not been answered and should therefore be answered by the appropriate Ministries?

The Speaker (Mr. Slade): I am afraid I cannot rule that. Once a question has been asked in the House and answered, however inadequately, it cannot be brought up again in the same Session.

Mr. Murgor: Mr. Speaker, Sir, would the Government—the Minister for Labour said it was not his duty, so I am now asking the whole Government.

The Speaker (Mr. Slade): You should ask Mr. Mwendwa; he is the man who is answering.

Mr. Murgor: Mr. Speaker, Sir, would the Minister for Labour tell us exactly how he will get these people to register? In which office, in Nairobi or Kitale or where?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, it depends where the person who wants to apply is. If he is in Kitui, there is an office of the labour exchange in Kitui; if he is in Kisumu, there is an office in Kisumu. I think that is the answer. Mr. Speaker.

Mr. Ngala-Abok: Mr. Speaker, would the Minister make it clear what arrangements the Ministry has made with the International Press Bureaux, the arrangements which the Government has made through his Ministry in this particular field; this is the question.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I am surprised to see the Members of this Parliament do not know exactly what is happening in the Government. The International Press Bureaux are under the Ministry of Home Affairs, and I am Minister for Labour—

Mr. Godana: On a point of order, Mr. Speaker, could we have this question answered by the Minister for Information as it concerns him?

The Speaker (Mr. Slade): I am afraid not, only one Minister answers the question.

Mr. Gachago: On a point of order, Mr. Speaker, since it seems that the Minister for Labour is unable to answer this question because it does not concern his Ministry, would you give a ruling, Mr. Speaker, Sir, that we discontinue any subsequent questions?

The Speaker (Mr. Slade): No.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies given by the Minister for Labour, may I—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, I asked a question and the Minister was replying, then points of order arose and now there is another question. Can I have your ruling that the Minister will reply to my question first?

The Speaker (Mr. Slade): I think Mr. Mwendwa should answer Mr. Ngala-Abok, if he can remember what Mr. Ngala-Abok asked.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I have already replied to that, but if the Member wants me to repeat it, I will. This is exactly what I said. I said that this does not directly come under my Ministry, but if the Member who asked the question wishes me to register the job-seekers in my labour exchange, I will do so.

Mr. Mutiso: On a point of order, Mr. Speaker, I think the question is, what arrangements has the Government made on this International Press Bureau?

The Speaker (Mr. Slade): There are far too many points of order particularly interrupting an hon. Member, when a point of order could wait till afterwards. Now, we shall hear what Mr. Mwendwa has to say without any more points of order interrupting him.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I have already spoken on the first part. The second part is, if the hon. Member who asks this question wishes me to pass this information to the Minister concerned, the Minister for Information, I think the message has already been passed because the Minister is here listening to me.

Mr. Khasakhala: Arising from the Minister's reply, do I understand from him that there are no arrangements made as yet when he has told this House that there are some arrangements made by the Government?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, my Ministry does not make arrangements for employment. All that we do is to act as a bridge between the employer and employee.

The Speaker (Mr. Slade): It is no good pursuing this question any further at this stage.

Question No. 34

OVERSEAS TRAINED AFRICANS: MINISTRY OF AGRICULTURE

Mr. Khasakhala asked the Minister for Agriculture and Animal Husbandry:—

- How many Africans had been trained overseas and were now back as officers of the Ministry?
- What posts were they holding?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply on behalf of my Minister:—

- On the assumption that the hon. Member is referring particularly to training overseas to fit Africans for appointment to professional and technical posts formerly occupied by expatriates, the number is 75.
- The posts they are holding at the moment are:—

In the Agricultural Department—

- Chief Agriculturist.
- Regional Agricultural Officers (Central, Nyanza and Western).
- Agricultural Officers and Research Officers.
- Assistant Agricultural Officers.

In the Veterinary Department—

- Specialist Research Officer.
- Livestock Officers.
- Meat Graders.
- Hide Improvement and Assistant Hide Improvement Officers.

Mr. Khasakhala: Arising from the Minister's reply, why has it not been possible to Africanize the high posts, like Director of Agricultural Services, with some of these people?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, Africanization does not come overnight, and the Ministry is in the process of Africanizing all the top posts.

Mr. Anyieni: Arising from the Parliamentary Secretary's reply, is he aware that some of the highly qualified African agriculturalists have been removed from Headquarters where they could be most useful and sent into the country where they are useless?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): That is definitely another question, because the question is about people trained overseas, and what posts they are holding; they are in Kenya, holding these posts in Kenya.

Mr. Agar: Arising from the Parliamentary Secretary's reply that Africanization does not happen overnight, can he tell us whether Africanization has started overnight or whether it started over a year ago?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): "Overnight" literally is a proverb which does not mean overnight, not one night.

Question No. 36

UNIFORMITY OF SCHOOL FEES

Mr. Khasakhala asked the Minister for Education whether school fees were payable at a uniform rate at each of the following types of schools: (a) secondary, (b) intermediate, (c) primary and (d) boarding secondary.

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. The answer is no, Sir.

Because of the historical, political, economic and even social factors involved in the past development of our education system, it has not been practicable up to now to enforce uniform rates of fees in Kenya.

In the Secondary Schools there are three main rates covering the former African, Asian and European Schools. In addition, there is a fourth group of schools which is composed of the Grant-aided Asian and Arab Schools which have varying scales of fees which are approved annually by the Chief Education Officer.

Intermediate (b). The fees chargeable in the former African primary and intermediate schools vary from district to district. They are fixed annually after consultation with the former District Education Board, and the Government, and have been always listed in legal notices.

Primary (c). The fees in the former Asian and European Government primary schools are much higher and are published in G.N. 4272 of 1961. Fees in the former Asian and European Grant-Aided Schools vary considerably and are approved annually by the Chief Education Officer.

Boarding Secondary (d). Three rates of fees are in force at present covering the former African, Asian, and European Boarding Schools. These have all been published in the Official Gazette.

Mr. Khasakhala: Arising from the Minister's reply, could he tell the House whether there are some changes in places where the fees are so high that the parents cannot afford them, and as a result most of those schools are going to close down this year?

The Minister for Education (Mr. Otiende): Owing to constitutional changes I have not been able to know exactly the fees charged in various places. It is entirely in the hands of the local County Councils and Regional Assemblies to see that they charge fees that can be paid by the parents.

Mr. Khasakhala: Mr. Speaker, this being a national Government, could the Minister assure the House that these fees will be nationalized and unified as soon as possible?

The Minister for Education (Mr. Otiende): I do not have the authority of this House to assure the hon. Member: all that I can assure him is this: in all national schools where I have the authority, the maximum fees chargeable are laid down by me by notice and I have already put this in the Official Gazette. It is stated there the maximum that can be charged. In other schools, however, I am persuading the local authorities to lower the fees and, where this advice has been followed, the enrolment figures have improved.

Mr. Masinde: Arising from the Minister's previous reply, is he aware that by failing to unify school fees the Ministry is encouraging the racial schools which were there before?

The Minister for Education (Mr. Otiende): The hon. Member will agree that it is not my fault, but it is due to the *Majimbo* Constitution, and I am quite willing to take up the necessary powers if they are given to me to unify all school fees.

Mr. Maitori-Iumbo: Arising from the Minister's reply—he said that he was persuading the local authorities—does it mean that he does not have power over them?

The Minister for Education (Mr. Otiende): Under the Constitution, I am only able to control standards of education. Local authorities are responsible for primary education, but I am examining the matter because I know the standards of education are going down.

Question No. 37

CLOSURE OF GUSII PRIMARY SCHOOLS

Mr. Anyieni asked the Minister for Education if the Minister was aware that many

primary schools in Gusii District were closing down because of the high school fees which had been imposed on poor parents by the D.E.B., and what steps was the Minister taking to remedy the situation.

The Minister for Education (Mr. Otiende): Again, Mr. Speaker, Sir, the answer to this question is no, Sir.

Only three lower primary schools which had a joint total of five classes were closed during 1963. However, this year there are twelve more lower primary schools in that particular district, and fifty-six more upper primary schools in the Gusii District than there were in 1962. Gusii is the former Kisii.

It is true that there has been a fall in enrolments in lower primary schools, but the increase of Sh. 20 in the school fees in 1963 is considered to be only one of the many factors contributing to this decrease in enrolments. There are other factors as well. For example, some parents were holding back their children thinking that the Government had proposed to have free primary education in the near future and therefore thought that if they waited long enough their children would have a free education. Because of this belief parents have tended to keep their children away from school in the expectation that the introduction of this scheme was merely a matter of one year. Certain Members encouraged the public to think that the Government would start this in January, 1964, and this was entirely a wrong reading of the Manifesto and, therefore, children were kept away from school.

I would like to draw the attention of the House to the fact that the school fees are not highest in Nyanza: they are not the highest in the country either. The level of fees set by the District Education Board is the result of the demand by the Gusii people for seven years of education instead of eight years of education. They thought, of course because their mathematics are so bad, that a seven-year education would be cheaper than a eight-year one. The fact is that a seven-year education is more expensive than a eight-year one. Some hon. Members do not even know that.

What I have said about Gusii District applies to many other districts in general. There is a slight fall in enrolment in Standard I and Standard II and we are very concerned about this and have made investigations. My Ministry is, therefore, encouraging enrolment of children in lower primary schools. For instance, a new fees structure, which I suggested, is being put into effect this year. Instead of the present rate of Sh. 55, graduated fees of Sh. 30 in Standards I

[The Minister for Education]

and II, and Sh. 50 in Standards III and IV are to be levied. These fees are lower than what people are paying in certain other districts.

I would like to point out that because primary education is going to be the responsibility of the counties, the Ministry may find itself handicapped in its endeavours to lower the fees.

May I take this opportunity to tell the House, and also the country, that this Government is endeavouring to see that it lowers the fees gradually in primary schools for this period of 1964/70, so that by the end of this planning period there are no school fees payable for primary schools.

Mr. Anyieni: Mr. Speaker, arising from the hon. Minister's reply, is the Minister aware that, because of the high school fees last year and because of the adjustment for this year, there are too many pupils trying to enrol in the schools and there are not enough schools? Is the Minister going to do something in the form of persuading the bodies concerned to increase the number of primary schools?

The Minister for Education (Mr. Otiende): Yes, we are doing that, Sir.

Question No. 38

ELECTRICITY SUPPLIES, GUSII AND HOMA BAY; AND NATIONALIZATION OF EAST AFRICAN POWER AND LIGHTING COMPANY

Mr. Anyieni asked the Minister for Works, Communications and Power if the profit-making motives of the E.A. Power and Lighting Company were responsible for the absence of electricity in Gusii and Homa Bay districts, and if so, when was the Government intending to nationalize the E.A. Power and Lighting Company?

The Minister for Works, Communications and Power (Mr. Mwanjumba): There is no electricity supply in Gusii and Homa Bay districts because the level of economic demand is too low to warrant a supply. The question of nationalization or otherwise is quite irrelevant to this question, since any undertaking, nationalized or otherwise, would have to service the capital involved, and if the necessary capital were available to the Government and there were sufficient justification for the supply, it would be equally feasible to subsidize a supply under the present system as under a nationalized undertaking.

Mr. Anyieni: Mr. Speaker, Sir, arising from the Minister's reply, could he assure this House that what we require first is services before electricity,

or electricity before services? Do you use electricity before you receive it, or do you receive it before you use it?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I do not know what services the hon. Member is referring to. What happens is this: we must be assured that there are industries to warrant the supply of this electricity.

Mr. Anyieni: Mr. Speaker, Sir, is the Minister aware that, because of the absence of electricity in these areas, some industries, which were originally intended for these districts, have been moved to other districts?

The Minister for Works, Communications and Power (Mr. Mwanjumba): I do not know what industries the Member is referring to, but I am aware that sometimes this has happened. As I say, the Government is trying to remedy this and the Government is investigating the possibilities of an electricity supply in all districts in Kenya.

Mr. Agar: Mr. Speaker, would the Minister then assure the House that the Government will provide alternative sources of power and light since in schools and hospitals people are using lanterns where there is no electricity?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, it is not easy for the Government to supply electric light in every village and every house in Kenya. However, as I said, Government is already taking steps to see what is the best way of supplying electricity in various districts in Kenya.

The Speaker (Mr. Slade): I do not think the House can spend any longer on Questions.

I would remind hon. Members that Mr. Shikuku is to raise, on the Adjournment this evening, the question of the recruitment of youths in the Kenya Police without regard to party affiliations.

MOTIONS

EMERGENCY, NORTH-EASTERN REGION: EXTENSION OF PERIOD

The Prime Minister (Mr. Kenyatta): Mr. Speaker, Sir, I beg to move:—

That this House approves the extension for a further period of two months of the Resolution passed by the House on the 31st day of December 1963, approving the Proclamation of a State of Emergency in respect of the North-Eastern Region which was made on the 25th day of December 1963.

[The Prime Minister]

Mr. Speaker, I move this resolution in accordance with the provision of section 29, subsection 6, of the Constitution. I believe the section was designed to provide the National Assembly with an opportunity for the review of an emergency situation. I should like to take this opportunity to give the hon. Members the facts of the situation. Prior to the declaration of the State of Emergency, some 34 incidents occurred in the North-Eastern Region. A gang of bandits attacked police stations, police posts and military units based in the region. This series of attacks commenced with the abdication of the President of the Northern Frontier Independence Party in November 1963. On the whole, the attacks, which were mainly at night, were not very successful. They were, however, of nuisance value and were hampering the plans of the Kenya Government to apply the country's Constitution in the region. Furthermore, the population of the area appeared reluctant to assist the security forces in the detection of the gangs.

The Emergency Order and the regulations made thereunder on 25th December 1963 brought into being a prohibited area five miles in width along the border of Kenya and Somalia. They also gave power of detention to security forces of persons found in the prohibited area. The regulations make it an offence for any person in any part of the North-Eastern Region to assist the Shifta, and the powers of detention are extended to apply to such offenders. Most of the gang attacks in November and December 1963 were along the border of Kenya and Somalia, but, early in January 1964, they stopped and several gangs penetrated deep into the North-Eastern Region where they made well organized and concerted attacks on patrols and camps.

At this point, the pattern changed, as the civilians in the region were attacked, presumably to instill fear into the local population to promote a policy of non-co-operation with the Kenya Government and security forces. This appears to have been successful in some areas where attacks and ambushes by Shifta achieved some success against security forces. However, the killing of civilians had angered sections of the population, and the political leaders and chiefs in the region had become more readily agreeable to co-operate with the Kenya Government.

It is a significant fact that among us today are Elected Members from the region. It is a sure demonstration of the faith placed upon the Government by the people, and a step forward in integration of the region into the economic and political life of Kenya.

When the plans for election were announced, Mogadishu Radio increased its campaign of hate against me and against the Government of Kenya. Coinciding with this propaganda, Shifta gangs infiltrated deep into Kenya and even into parts of the Eastern and Coastal Regions. During February 1964 it has become evident that the gangs obtained a plentiful supply of arms, ammunition and grenades, and have launched a series of well organized and concerted attacks against the Kenya Army, the Kenya Police and Government officers.

The security forces have been hampered in their operations by the continuance of the short rains and, during the first part of January 1964, all supplies of food and ammunition had to be flown into most areas of the North-Eastern Region and parts of the Eastern Region. The continued rain resulted in an abundance of water and thick bush throughout the region. This has enabled the Shifta gang to move and conceal themselves at will with little fear of detection once an engagement has been broken off.

The State of Emergency has assisted the security forces in this task.

Hon. Members: No, no.

The Prime Minister (Mr. Kenyatta): Will you stop your interruptions? You will have time to talk afterwards.

The State of Emergency has assisted the security forces in the past by—

An hon. Member: Question.

The Prime Minister (Mr. Kenyatta): (1) Restricting movements across the border into Somalia by the introduction of a prohibited zone. (2) The detention of persons believed to be assisting the gangs. (3) Making it an offence for any person in the region to assist the Shifta in any way. (4) Making all offences under the regulations cognizable to the police.

The indications are that the attacks by the gangs will become more determined and more frequent in the next few weeks leading to and over the election period. The breakdown of figures shows the increase in intensity and frequencies of the attacks. It is essential that the State of Emergency shall continue to apply in all parts of the North-Eastern Region if the actions of the security forces are to be effective in eliminating the gangs. There is no doubt at all that the Somalia Government policy of territorial expansionism has led to the killing of peaceful Kenya citizens, straining our relations with that Government. Mindful of this country's obligations in the maintenance of peace and security, and in accordance with their own

[The Prime Minister]

The declaration, the Kenya Government raised the matter in an emergency meeting in the Council of Ministers of the Organization of African Unity held in Dar es Salaam two weeks ago. The Council decided to include the matter in the agenda of its meeting, now under way in Lagos in Nigeria. It is my hope from what is said there, the Somalia Government will be able to see the light and stop activities likely to endanger peace in eastern parts of Africa.

To the people who live in the North-Eastern Region, I have this much to say: We know that many of you are herdsmen during the day and Shifta at night. Others conceal Shifta and refuse to give information about their movements. The voice of Somalia radio talks of murder and hate. It is you who suffer most by the hands of terrorists. Government can apply measures which could hurt both the innocent and the guilty but they have so far refrained from applying such measures in the hope that the co-operation will be forthcoming. There are signs that this co-operation is being given but, in so far as I am assured of a fair response to my appeal, I propose to maintain the present policy, but I assure you that I will not hesitate to increase the severity of penalties if the situation deteriorates.

Before I close, Mr. Speaker, I wish to pay a well deserved tribute to our security forces for their courage and determination in the face of great provocation and difficulty in the country. Kenya is most grateful to them for the demonstration of their loyalty so early in our Independence. We all feel that we owe them a great debt of gratitude.

Mr. Speaker, I beg to move.

Mr. Muñiro: Mr. Speaker, on behalf of the Opposition, I beg to second this Motion.

I have listened to the statement by our Prime Minister on the question of the outrageous Shifta activities in the North-Eastern Region. We should not in Kenya, Sir, be under any illusions whatsoever that the Somali Government with their policy expansionism, of territorial gains from Kenya and Ethiopia, are determined to see that some of our territory is ceded to Somalia. Therefore, we in Kenya should be much more vigilant than we have been in the past. Sir, the only language a fool can understand is international language. If he has a club in his hand you must get a club for your hand. The old policy which the Catholic priest used to tell me, when they hit you on one side you must turn the other cheek, is not going to do for Kenya, especially if we are to stop this

nonsense on our frontiers. I said here in the debate on the 31st December that the 'only good thing—Africa has got or has received' from the imperialists and colonialists was the creation of national boundaries. Unless we respect those national boundaries, there will be no Africa.

There will be no Africa at all, and people who talk of African unity must accept the integrity of the Sovereign States in Africa first. Sir, I would even say that Kenya Ministers, who go to conferences with these Shifta groups, should refuse to sit with them, unless they are prepared to listen and respect the sovereignty and integrity of Kenya's territorial boundaries. This, Sir, is what is seriously affecting our country. We should not minimize those, because the overseas investors—people who want to invest money in Kenya—look upon us today in Kenya as a group of weak people because we cannot contain a handful of 100,000 people in the North-Eastern Region, simply because we have the policy of appeasement, trying to appease someone who will not be appeased. Until the five stars on the flag of the Somalia Republic are reduced to three we will never have peace in the North-Eastern Region. These people messed up our national elections at the beginning. We postponed Regional and National elections in that Region. We have now had the elections in that Region. What is going to happen there is God's own business, but we should take it as the business of Kenya and see how best we can deal with it. When we had the Emergency in Kenya by the British, or by the Kikuyu tribe, all the Kikuyu, whether they were Mau Mau or Loyalists or whoever they were, had to have a pass. They were rounded up, locked in concentration camps and some people were humiliated. I was teaching at Kikuyu, the Girls' High School. My hon. friend, the Minister for Finance today, was carried out one morning. When I went to see him one afternoon he was not there, he had been sent to a detention camp. I think the policy of the Kenya Government, which we all in this House, must now consider is whether we should round up all the Somalis and place them in detention camps, in order to stop this nonsense.

Hon. Members: Yes, yes.

Mr. Muñiro: Let me speak.

We are determined if any hon. Member, be he from Northern Region, North-Eastern Region, or any other region, in this House thinks it is a joke to be terrorised by a handful of people, that hon. Member himself should be placed in the detention camp. Recently, Sir, here in Kenya, and this makes it worse, we had the beginning of a

[Mr. Muliro]

mutiny, but thanks to the quick action and shrewdness of the Prime Minister and his Cabinet we were saved from a catastrophe in Kenya. We do not want to languish in hope that things are going to be all right when people are undermining our integrity.

We should not, Sir, underestimate the harm this *Shifita* activity is doing to Kenya in the Eastern Region. Last time we did not have elected representatives from North-Eastern Region. Today, in this House we have three of our hon. Members representing the North-Eastern Region. I have seen them walking in. Today we can hear from the horse's mouth, and then we will know whether the Somalis in the North-Eastern Region are with Kenya or with Somalia. If anybody is with Somalia, let him remove himself physically and otherwise to Somalia, before we round him up. Sir, I am sorry if I appear to have exaggerated on this issue, because many of the people in Kenya today, people in business in commercial circles and people in the farming business, are asking me if Kenya is going to continue and if they are going to be able to resist Somalia. They say that the Somalis have been trained by the Chinese, trained in the Guerilla Warfare, and when we listen to the radio and hear of how many Kenya citizens are losing their lives, we ask ourselves whether we do justice to ourselves by the policy of appeasement. If the Somalia Republic is prepared for war, we will tell them in no uncertain terms that Kenya is able to go to war, and for the matter we will crush them. Sir, I hope the hon. Members and the Government will give us an assurance in no uncertain terms whatsoever—the second speaker from the Government side assured this House today—that the Government is prepared to take every possible stern measure and not to continue the policy which is now being carried on by the Government. We want the Government to tell us that we will not have to come to this House again to seek another two months extension. When we come here, again, we will be coming for business, and bigger business than we have done in the last two months. Sir, we in the Opposition would like to have this assurance from the Government. We want it because they are in the best interests of the people of Kenya. Kenya has suffered economically as a result of having been under colonial administration. Today we are independent. We want to build our nation. We do not want enemies of a handful of people. Let us take the population of my own district, of Bungoma the location is alone 160,000 people. Sir, we would like this assurance from the Government that next

time, if this activity is still going on in the North-Eastern Region, what Kenya is going to do will be much more than a handful of Somalis in the North-Eastern Region could dream of. With these remarks, Sir, I beg to support.

(Question proposed)

The Speaker (Mr. Slade): Before opening the debate to the House, there is a point of order I would like to make clear. The rule of debate contained in our Standing Order 63, is that the conduct of the rules or the Government of any friendly country shall not be referred to except on a specific substantive motion brought for that purpose. It is the responsibility of our Government to determine what other country is to be regarded as friendly or otherwise. When we first debated the declaration of this State of Emergency, the Prime Minister indicated that Somalia was still regarded as a friendly country; therefore I applied this Standing Order and refused to allow hon. Members to blame Somalia for the state of affairs in the North-Eastern Region, as opposed to certain irresponsible individuals there. Today, I seem to understand quite clearly from the Prime Minister's speech, that his Government no longer regards Somalia as a friendly country. If I am right in that view, it is now open to hon. Members to say what they think about Somalia.

Mr. arap Moi: Mr. Speaker, Sir, I shall be very brief indeed on this Motion because this issue is a national issue and there is no question of any individual, any hon. Member, or anybody living in Kenya seeing the integrity of Kenya being undermined.

Mr. Speaker, Sir, Mr. Muliro, the hon. Members for Trans-Nzola mentioned points which every hon. Member would have wished to say. I must state quite clearly that the Government must take strong action on this matter because we are not prepared to see the lives of people lost in the North-Eastern Region, and we do not want the people living in that area to feel that they are not secure when they are Kenya citizens. I would also like to point out, Mr. Speaker, that this question of African unity must be applied in practical terms rather than written in theory. Ministers attending the last conference in Dar es Salaam heard the Foreign Ministers for Somalia denounced some statements which came from Mogadishu Radio that there was some propaganda against Kenya. Anybody who listens to Somalia radio will hear it undermine the Kenya Government, abusing the Kenya Prime Minister and other Ministers. Who is prepared to listen to our Prime Minister being abused, whether he belongs to one party or another? If the Prime Minister is abused,

[Mr. arap Moi]

the whole country is abused. Mr. Speaker, unless Mogadishu Radio stops this propaganda, then the idea of—African Unity, Pan-Africanism—should cease, and Somalia should be expelled from the Organization of African Unity. We cannot deal with African unity, African problems, eradicate disease and so on, when other states are undermining our integrity.

I should like to urge the Government to take stern actions, and if necessary there is no need for the Ministers to run throughout the country campaigning for one party or another. The youth of today, be they KANU or KADU, should come out if necessary to defend the people of Kenya in that part of the world. If we mean to help the people of Kenya our youth should come out into the open and help the country as a whole.

Mr. Speaker, I beg to support the Motion.

Mr. Khalif: Mr. Speaker, Sir, I would like to say something in favour of this Motion. I will not blame Somalia or our security forces. I will blame the British Administration officers in the North-Eastern Region. I think that the *Shifita* are few people who could have been captured overnight if the Administrative officers were Africans. I think that the Imperialists, the British Administrators, who administer the North-Eastern Region, are the main people behind the *Shifita* activities.

The Speaker (Mr. Slade): Order, order. You probably do not quite understand the responsibilities of the freedom of speech in this House. Our rules say that hon. Members must be very careful what they allege about others, particularly about people outside this House, without being able to prove what they say or, at any rate, being able to bring very strong evidence.

Mr. Khalif: Thank you very much, Mr. Speaker. In view of the fact that *Shifita* elements are increasing, both in number and power, it is very essential that the State of Emergency in the North-East Region is extended for a further period of two months to cope with the section. However, the Government should bear in mind that the mere proclamation of a State of Emergency will not stop the *Shifita* raids.

The following things should be taken into consideration: The Tribal Police, Military Forces and Police should be reinforced and Home Guards should be recruited in the North-East Region. Permanent roads should be built to enable the security forces to carry out their duties efficiently.

An hon. Member: How can this be done?

Mr. Khalif: Well, I do not know, that is the Government's business.

The next thing is that I am of the opinion, and I think this is the opinion of every hon. Member, that the Emergency which is going on in the North-East Region should not affect the loyal citizens because, as we have loyal citizens in other parts of Kenya, we also have loyal citizens in the North-East Region. The Emergency should not threaten or have bad effects on those loyal or good citizens in the North-East Region.

I would like to say that, as a matter of interest, a Commission of Inquiry should be formed to tell this House why the proclamation of a State of Emergency during the last two months did not decrease the number of *Shifita* raids in the North-Eastern Region. I would also like, Mr. Speaker, to ask the Government to compensate the owners of livestock and property, which are, day after day, reported to have been robbed or stolen by the *Shifita*.

An hon. Member: That is the responsibility of the Somali Government.

Mr. Khalif: What do you mean, the responsibility of the Somali Government? I do not understand how the Somali Government comes into this.

Mr. Speaker, it has been said that nobody should be seen within the five-mile strip that is the Kenya/Somalia border and that it is a prohibited area. I do not know how the *Shifita* cross the border into Somalia and come back into Kenya with arms and ammunition unless the Administration or the security forces in the North-Eastern Region are not being very strict or efficient. I do not see how the *Shifita* have not run out of bullets. I think—and this is only my opinion—that the Administration or the security forces in the North-East Region are not working very well. If they were, these people would have run out of ammunition over the last two months.

With these few words I would like to support the Motion.

Mr. Godana: Mr. Speaker, Sir, I am fully in support of this Motion. The things I want to emphasize are a few things on the North-Eastern and parts of the Eastern Region. As I am the Member for Marsabit/Moyale, I am very close to the North-Eastern Region and this trouble is now also starting in my constituency. Just recently, one of our traders was murdered in Marsabit—in fact just last week. In view of this, by supporting the Motion, I would like to ask

[Mr. Godana]

the Government to make more powers available than they have done in the past. For instance, we have more complaints from our Kenya Police and Kenya Rifles that they have no power to give service in between this five mile strip which is now the Kenya/Somalia border. By supporting the last speaker, who said that the Administration is very rare in that area, I am in full agreement with him that all the power in that area is still under the Administration. As a result of this, all our soldiers just sit and wait for the people to be shot. This is not doing a service to the country. Although we cannot give powers to soldiers to do what ever they want, we should give them power to search for the *Shifita* so that they do not just sit down and when the *Shifita* come, shoot them. For instance, the *Shifita* need food and water, and in the Northern Frontier, it is very difficult to get. If our soldiers were circling all the water holes and wells, they could stop the *Shifita*. However, may I tell you that that area is still like a Colony. All the Administration is full of white people. Could I ask our Government to support the last speaker by sending a Commission of Inquiry to certify that Administration.

By supporting this Motion, I believe that three things should be done by Government: firstly, the Home Guard should be arranged in the following Districts: Mandera, which should have 100 Home Guard, Garissa, also should have 100, Wajir, again should have 100 Home Guard, and in Isiolo and Marsabit the same thing should apply, they should have 100 Home Guard in each place. The Marsabit and Isiolo areas, at the moment, are also being attacked by the *Shifita* which are in the Eastern-Region. They are making trouble in all these five District. I say that, because we have already made an application to the Parliamentary Secretary for the Ministry of Defence as these Home Guard know the habits of the *Shifita* because they originate from that area. They can walk, and this Home Guard, if it is arranged, does not need much transportation. They can walk and they can take their food and water. They know how to live in that hot climate, because they were born there and they know how to deal with it.

It is difficult for the normal soldiers to deal with the *Shifita*. If you want to know what *Shifita* means, they are just like hyenas or leopards, who go and catch something and then run away. These *Shifita* have been trained by the Somalia Government, and they wait for our soldiers to fight with them, until they have got themselves into a very good position, which they are satisfied with, then they shoot our soldiers and run away. All we hear over

the radio is that soldiers were killed, soldiers were killed, and we are fed up with it. We must have our Home Guard similar to the *Shifita*, so that they can work in the bush and round the district. They have to co-operate with our soldiers, see that they can get food and this will help them.

Another thing, Mr. Speaker, Sir, is that the Somalia Government must be accused by the Kenya Government. If any hon. Members know the Somali language, they will understand that they are encouraging Somalis in the North-Eastern Region not to fight in the North-East-Region at all. We cannot blame the people because everything comes from Mogadishu Radio, in the Somali language. If they were Somali-born, they would be frightened to come out and fight for Kenya. They speak from there and they incite everybody in the N.F.D., "I will kill you". For this reason the Somalia Government should be accused. It is not a question of whether they are friends of Kenya or not, and if it is an African question, it should be taken to the African Unity Organization. I do not know if I am right or wrong on this. One thing is that we are in the Government now, and the Somalis are in their Government. They cannot say that the Somali people who are in Kenya are in Somalia. The Somalia Government can only speak of their area the land they occupy.

Anyone who lives in Kenya, whether they are Kikuyu or Luo, they are Kenya citizens and the land belongs to Kenya. We cannot listen when they say that the North-East Region and other parts should go to Somalia. It is completely wrong, and anyone who says that is completely wrong, and we cannot accept that. I was born in that area, and if they say that because the people speak the same language, or look like one another, then we should secede—if they claim that, they are wrong.

The people from Mogadishu, if they claim a part of Kenya, we should satisfy them from Tanganyika, not from Kenya. It is useless if somebody says that, that because someone looks like myself, let me have him, but you cannot take that in this case. What case do the Somali have now? It is not an intelligent case at all. We ask our Government to accept this; there is no reason for the Somali demands in the North-East at all. This is what has happened in the North-East Region: we are pretty sure that it has been done by the Somalia Government. This complaint should be made and, if they want, we can go to war.

With these remarks, I support the Motion.

Mr. Ngala: Mr. Speaker, Sir, the Deputy Leader of the Opposition has already expressed his feelings on behalf of the Opposition, and also sought assurances from the Government as to how they intend to handle the situation, which is very serious indeed. I would like to support the hon. Member for Kitale with regard to the expressions he has made on behalf of the Opposition. However, I hope the Government will give intelligent, well thought-out points this time to satisfy the House as to whether they really mean business. Mr. Speaker, Sir, this aspect has continued in such a manner through the Kenya Government; it is the fault of the Kenya Government that in the two months which we have given them they have done absolutely nothing. First, the Government has been slow. When we were discussing this matter on 31st December, I warned the Government that there was danger. I even mentioned a place called Kiunga; I said that the place wanted two things to be properly safeguarded: a big police post and a quick means of communication. The hon. Prime Minister stood up and said that I had nothing to worry about, I was going to be looked after and everybody was going to be looked after well in this country. What happened? Only three or four weeks after, the same place was hit by the *Shifita*. Only 40 *Shifita* captured, the whole village almost. The Prime Minister gave us every assurance on 31st December that he had carried out investigations and that he had forces to deal with every eventuality; but there was no means of communication, there was not a single police post there. These people, the citizens there, were an easy prey to forty *Shifita*.

Mr. Speaker, Sir, it is one thing to come here and ask for the lengthening of the period of a state of emergency, but it is another thing when you are faced with a Government which is so slow as this Government has been. Then, the country can do nothing but blame this Government. Last time I said that I opposed this Motion. I said that I opposed it until the Government had learnt a method of doing things. I said this last time. I hope the Government has now learnt a method of doing things. It was very strange, Sir, that when the Prime Minister moved—

An hon. Member: On a point of order, is the hon. Leader of the Opposition in order to say what he said during the last debate?

The Speaker (Mr. Slade): Yes, I think it is quite relevant in a debate like this to refer to what was said in another debate; you can either say that you adhere to it, or that you have changed your mind.

Mr. Ngala: Mr. Speaker, Sir, last time when this was discussed, I said—I quote—"I would like to oppose the Motion until Government has learnt a method of doing things." I hope the Government has learnt a method of doing things. This Government has been slow, it has been ignorant. It has been ignorant because it has not taken the trouble to learn what is going on in this particular area. The investigations which were referred to last time have not equipped the Government with any knowledge of what is going on. The Government has refused to accept advice from Members of this House, and in particular has refused to accept the advice of the Opposition. Therefore, they are suffering now.

Mr. Speaker, Sir, this time we are sincerely supporting the Government in setting this Motion. We are supporting the Government because we realize fully that the Prime Minister's speech shows that he has woken up to the facts now and intends to do business. The last time when I was talking I pointed out that Kiunga lacked means of communication, and again the hon. Prime Minister, had he taken his advice, it would have been very helpful to him. I did that with every sincerity. If he had taken this advice, Mr. Speaker, Sir, he would have put up quick means of communication at Kiunga, he would have put up a big police station at Kiunga and these people would not have suffered. As it was, due to lack of communication, somebody at Kiunga had to walk 150 miles; and finished the last twelve miles by boat to report to the Regional Government Agent at Lamu on the second day after the event had taken place. This is serious, that such an incident is only reported on the second day after it had taken place. This is what the country is suffering from.

Mr. Shikuku: Shame!

Mr. Ngala: It is indeed a shame, and the Government here should realize that they are not doing their job properly and they should learn how to do their job properly. They have been slow to take advice from the Members here and from the House as a whole. They are ignorant of the places.

Hon. Members: We are not ignorant.

Mr. Ngala: I will show you, wait. Just two days ago I asked the Leader of the Government why he had not followed what we had told him here, and why things had happened the way they had at Kiunga. The Leader of the Government Business, the hon. Prime Minister, said to me, "Where is Kiunga?". This was two days ago, he does not even know where Kiunga is, after it had been hit. This is quite correct.

The Prime Minister (Mr. Kenyatta): On a point of correction. Mr. Speaker, I think he is exaggerating too much.

The Speaker (Mr. Slade): I do not think it is a point of order.

Mr. Ngala: I am not giving way.

The Speaker (Mr. Slade): Mr. Kenyatta, I am afraid you have no right to interrupt on a point of information or explanation unless the hon. Member gives way.

Mr. Ngala: I am not giving way, Mr. Speaker. *[The Prime Minister, the Hon. J. Kenyatta, left the Chamber]*

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. De Souza) took the Chair]

The Minister for Justice and Constitutional Affairs (Mr. Mboya): It is not our intention to interfere in the speech of the hon. Leader of the Opposition, but he has stated that from Kiunga to Lamu is a distance of 150 miles, and that someone

Mr. Ngala: I have not stated that, I said somebody walked.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): He said somebody walked 150 miles from Kiunga to Lamu to report the incident in two days. Could the hon. Leader of the Opposition actually substantiate the fact that from Kiunga to Lamu is 150 miles.

Mr. Ngala: It is, yes I will.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): It is not.

Mr. Ngala: Mr. Deputy Speaker, Sir, it is true in fact that point of order is not a point of order.

The Deputy Speaker (Mr. De Souza): One does not require substantiation of everything which is said. On the other hand, if it is a question of information or fact, whether it is 150 miles or not I do not think it requires substantiation, but if Mr. Ngala likes to give his reasons why he thinks it is 150 miles he can do so.

Mr. Ngala: I do not wish to waste my time, Mr. Deputy Speaker, on that.

It is quite true that this Government is ignorant, and this shows that what I was telling the House is true, that is why the Prime Minister has walked out. It was only two days ago at the Mombasa

Railway Station, where the hon. Mayor for Mombasa took the trouble of explaining to the Prime Minister where Kiunga was. Any Minister who wishes to know the truth can go and ask the hon. Mayor of Mombasa.

An hon. Member: What has that to do with it?

Mr. Ngala: That has to do with ignorance.

The Deputy Speaker (Mr. De Souza): Mr. Mbogoh.

Mr. Mbogoh: Mr. Deputy Speaker, Sir, is it in order for the hon. Leader of the Opposition to shout at the Members like that?

The Deputy Speaker (Mr. De Souza): The hon. Leader of the Opposition should address the Chair.

Mr. Ngala: I am dealing with the point of the Government being slow. We pointed out on the 31st December that things were bad, and the Government did nothing, and they have now learned a lesson. I am also saying that the Government is ignorant, because the hon. Prime Minister himself, just two days ago, asked me where Kiunga was. Kiunga was hit on the 6th of February, early in the morning. The hon. Prime Minister did not even know where Kiunga was, even three weeks later. This is ignorance. I was also travelling with the Minister for Constitutional Affairs and Justice five days ago, he said to me, "Look, these places which you mentioned during the Motion, some of them are so small we do not even know them." These Ministers do not even know the places which the *Shifita* are hitting and when I accuse them of ignorance they say, "Where, where, where". They are a group of ignorant—I do not know what you call them.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Deputy Speaker, Sir, here we have the Leader of the disappearing Opposition accusing the Ministers—

An hon. Member: Question, question.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Is it in order for an hon. Member who himself was a Minister of the Administration which created this situation which we are in now, to refer to Ministers in this way?

Mr. Ngala: That is not a point of order.

Mr. Deputy Speaker, Sir: I will go on and the other point I would like to bring to show that the Government is not doing its job properly, is that we have given good advice from this side.

[Mr. Ngala]

because we are experienced and have a great deal of experience of these things and we know the places. None of the Ministers have visited any places which have been hit by *Shifita*. None of them. I am not repeating myself, I am showing that they are ignorant because they do not go to these places.

Mr. Deputy Speaker, Sir: The Government is losing the confidence of the ordinary public on this issue. They are losing this confidence because the morale of the people is very much affected by the success of the *Shifita* in different places. At the places I mentioned, ninety-three head of cattle were captured by the *Shifita*. Sixteen goats were captured and three donkeys were collected by them. Well over Sh. 20,000 was taken away. How can the citizens have any confidence in a Government which is handling a serious affair like this? It is very serious.

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir, is the Leader of the Opposition aware that during the day when the place was being attacked I went to—

Mr. Ngala: That is not a point of order. Any way, the hon. Member is not the Government, I am talking to the Government.

Mr. Deputy Speaker, Sir: I was saying that the public particularly in the areas concerned, the Masabubu area, the Massarani area, the Kiunga area, the Kohara area and the Dohara area. All these areas are losing confidence in the Government because they are losing their property, and there is nobody to tell them who can give them food or help them. They are losing their cattle, goats, sheep, their money, shops, their children and their women, everything. The Government does not realize the seriousness of the situation. This Government before long will learn a greater lesson.

Mr. Deputy Speaker, Sir: I would like to get an assurance that these people who are suffering loss of life or loss of property will be compensated by this Government because it is the fault of this Government that they are suffering in this way.

An hon. Member: Already done.

Mr. Ngala: I would like to know, Sir, whether the Government has taken any trouble to study the methods of attack, because all that I can see when I visit this area is that the military are packed into their lorries or in a Land Rover, and they move in the ordinary Army way. These

Shifita are like guerrilla fighters: they come and go very effectively. When you are packed in a lorry or Land Rover you are an easy target and this is why our people, a lot of them, are being killed. Because by being packed in their lorries, they are made an easy target and before they can jump out to take up their positions five or ten of them are killed. What is the Government doing to teach them more effective tactics for attacking the *Shifita*? The Government is not doing anything.

Mr. Deputy Speaker, Sir: This Government shows that it has lost interest in the ordinary person. They are like a group of—I don't know what to call them. When a serious situation arises (and at this time so many of our people are being killed, their property is being taken away) and when this serious situation is revealed here—the Press this morning had a record of what is happening—and yet the Government Ministers are just laughing. They do so because they are not prepared to go to these places. I challenge any Government Minister to say that he has visited these places. I have already visited three places.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Murumbi has.

Mr. Ngala: All they do is to go into their houses. I would like some explanation on what new attack or defence methods there are, that will make it possible for us to end this emergency in two months. The hon. Prime Minister has not shed any light on this matter. All that he has done is to ask for an extension. But how will an extension help if they cannot employ better methods of fighting or of approaching the enemy? We want some clear explanation of what methods they have. Is it just packing people in Land-Rovers and lorries and making them an easy target for the *Shifita*? They should tell us today what they have in mind.

Now, with regard to policy, the Government says that their policy will continue to be that of appeasement. This Government is sitting on a fire on this policy of appeasement and they will find very soon that that fire has burned them. It is dangerous to deal mercifully with people who are completely determined. I would like the present Minister, who is responsible for this, or the present Minister of State who is responsible for this—who has never himself had an opportunity of working in the Army and who knows nothing about the working of the Army—I should like that Minister to be replaced (and a more capable Minister should take over), because all that he does is to catch a plane, have a good time at Wajir with a lot of K.B.C. people who defend

[Mr. Ngala] him, and then fly back. That will not help. These *Shifita* are never anywhere near Wajir, they are never there. The distances there are great. I have been there. These Ministers do not know the distances there. From Kiunga to Wayu is ninety-five miles. This is the distance that a person has to walk. From Kiwaya to Passi is fifty miles, from Passi to Lamu is twelve miles. Add this up and use your arithmetic and tell me whether the total is not 150 miles. But all those distances are not covered. The Minister only visits the places where he is safest and then he flies back to Nairobi and he makes lots of noise on the K.B.C. This is not a K.B.C. matter. They have to get on the ground and look for the *Shifita* and tell us how many they have killed.

Mr. Deputy Speaker, Sir, since the declaration of the Emergency, a previous speaker has even refused to tell us how many *Shifita* have been killed, because he is ashamed of the results. There are only three that have been killed since the declaration of the Emergency. Mr. Deputy Speaker, this is a very shameful state of affairs. Only three were killed. In fact, most of the soldiers should have been struck down dead completely by the *Shifita* if the *Shifita* were not kinder than they are.

This is a serious thing. It is no use coming here and saying that we shall now blame the Somalia Government. We can all blame the Somalia Government but whose fault is it? It is squarely the fault of the Kenya Government. They have been slow, they have been ignorant, they have refused advice from the Opposition and from the leaders here, and also they have now lost the confidence of the public. Many people in the places I have been to say: "Well, what is the use of being in Kenya? Kenya cannot defend us." In fact, at Kiunga, all these people, children and women, Mr. Deputy Speaker, were on a bare island without any food or water for two days, and this Government did not know about it. The Coast Assembly sent 300 bags of *posho* immediately. The Government was sitting here.

Mr. Deputy Speaker, Sir, if the people are so demoralized, they may one day all ask to go to Somalia, because they see that this Government has lost control completely. I am telling you the truth: whether you take it or do not take it, you will find it affecting you in future.

This policy of appeasement, I think, is a very wrong policy. This is a war, we are in fact at war with the other country. Therefore, we should be more careful.

I see there are people suggesting very boldly that we should ask the Kanu youth wingers to go. What can the Kanu youth wingers do? These *Shifita* are using modern methods and modern weapons. Kanu youth wingers cannot even lift up a stick and hit anybody. Therefore, it is high time we stopped talking of sending the youth wingers; they could not stand up against the equipment up there. I have been there, I have seen it. It is a very different affair from going to an hotel in Mombasa and just staying there: it is a very different affair, Mr. Deputy Speaker.

Mr. Deputy Speaker, Sir, I think we must insist that this Government now wakes up to realities. It is no use going on fighting *majimbo*, *majimbo* all the time, that is past. We have the Constitution. Stop fighting *majimbo* and now fight the *Shifita*. If they continue fighting *majimbo* and live and forget the *Shifita*, they will regret it one day. The organization called the Organization for African Unity one day will have to do some arbitration. If they are not strong enough, the arbitration will go against us. This is a fact, and we must take it; we must be very careful that the Government is awake. I think we all agree that something must now really be done.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Speaker, when this debate started—

(Mr. Ngala left the Chamber)

Mr. Deputy Speaker, the hon. Member, the Leader of the Opposition, asks Government to reply to him and the moment somebody on the Front Bench stands up to reply he walks out. All the same, his allegations were of a serious nature, so I would like to ask the Opposition if they would be prepared just to sit quietly for a few minutes and listen to what I have to say because, fortunately perhaps for myself, I and very few other Members in this House fully appreciate exactly what is going on in the North-Eastern Region, as we have been through this type of warfare before. I think it may pay them just to listen to the difficulties which take place in this type of warfare.

If we are going to beat this, it is no good the Leader of the Opposition standing up, trying to belittle the Prime Minister, trying to attack the Government. We have to do this in co-operation. Every single person in Kenya—

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, is the hon. Minister in order to imply that the Leader of the Opposition was belittling the Prime Minister?

The Deputy Speaker (Mr. De Souza): He did not mean it like that. He was accusing the previous speaker of attacking the Government and the Prime Minister as head of the Government, and was in order.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Speaker, I have no intention of withdrawing what I have said because the hon. Leader of the Opposition was attacking Government and saying they were going slowly, etc. He was belittling Government efforts, and what I am trying to explain to you now are the difficulties which we in Kenya are facing, not only us as a Government but which we are all facing, which every single person in Kenya is facing, irrespective of who they are.

Sir, I cannot sit here and listen to people who have never been in a security force belittling our own security forces when they are up in the North-Eastern Region doing an excellent job of work, every one of them. We must think of their relations, of the mothers and fathers of our soldiers up in the North-Eastern Region who are doing a job of work while we sit down here and live in luxury. Think of them: do not belittle them, they are doing their best.

It is no good saying, "Why do they get in Land-Rovers, why do they get in lorries?" Let me explain to you. It is the easiest job in the world to be a guerrilla fighter when you are armed with modern automatic weapons and grenades in bush and dense country with rocks and good cover. It is easy to do. Scores of us did it in the last war, scores of people did it. It is a very great and difficult exercise to stop these people. If they had listened carefully to the Prime Minister, they would have heard of the kindness of the Prime Minister's heart in saying that he was prepared, in the first instance, to give co-operation to the people of Somali origin in the area, and the opportunity for them to co-operate. Guerrilla warfare is the most difficult thing to break, unless one has full co-operation from the people or one turns ruthless. If they had listened to the Prime Minister, they would have heard and would read into what he said that if the co-operation does not come from the North-Eastern Region we, as a Government, will get ruthless. But we must give, in the cause of humanity (they are Kenyans), the opportunity for them to co-operate first. We have heard our friend from that area asking for that co-operation, asking for help for these people, for protection and for the formation of home guards. This is the kind of criticism which we want: constructive criticism. However, if the people in that area will not co-operate, then there is only one thing

left for the Government to do, and that is to become ruthless and we, as a Government, have seen how other countries have become ruthless, but we must give those people—because they are Kenyans, after all—the opportunity. It is wrong, Mr. Deputy Speaker, for people of the Opposition, when our country is in grave danger, to take this opportunity of—

Mr. Masinde: On a point of order, Mr. Deputy Speaker, I do not think we are taking the opportunity for opposing this Motion, because we have expressed our support.

The Deputy Speaker (Mr. De Souza): We are not concerned with points of order which are not points of order. Kindly carry on Mr. McKenzie.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Speaker, there is no doubt whatsoever that we are part of the Government. We, as a country, can curtail this trouble in the North-Eastern Region, irrespective of what help these people get from the outside, as long as we are prepared to fight this disease, completely in co-operation amongst ourselves, without bringing in any destructive criticism. Criticize the Government constructively and, in a matter like this, as much as you like. That is what every man here is for; but do not try at this stage to belittle the efforts of our security forces. It is no good saying they know they are getting Land-Rovers, they go here and there, etcetera. They are moving quickly from A to B to go and protect somebody, to help somebody. If they get ambushed on the way that is just too bad. Do not belittle the efforts of our security forces because I, as one person who has been in the security forces, will never allow this to happen as long as I am a Minister. These people are up there fighting for us. This is what guerrilla warfare is, and I am telling you truthfully that unless we get the full co-operation of the people, or become ruthless, in that area we will not solve the problem. To do this, we need the full co-operation of every single Member, including the Leader of the Opposition, and until we get this full co-operation we will not win.

[The Deputy Speaker (Mr. De Souza) left the Chair]

[The Speaker (Mr. Slade) took the Chair]

Mr. Shikuku: Mr. Speaker, Sir, I can see that my hon. friends on the other Side do not seem to be happy to see me stand up to speak. Nevertheless, I am already on the Floor and I speak as a representative of the people, and I shall continue to do so whether they like it or not.

[Mr. Shikuku]

A lot has been said about this *Shifta* business, it has already become a sort of sing-song which I think, is high time, should be translated into action. It has time and again been repeated in this House and I am glad has once again been repeated today. This time I must congratulate the Prime Minister for his forthrightness in declaring the position of the Kenya Government in relation to the Somalia Government. I remember at one time when I stood up and aired my doubts about the Somalia sincerity, about their feelings of brotherhood or good neighbourhood. Mr. Speaker, I feel the time has come when we must all go ahead and carry out whatever we can do to remedy the situation. I feel that the speech by the Deputy Leader of the Opposition contains all that each and every Member could have said in this House.

We have already pointed out some time ago about the lack of communication in this area. We have lost able and recently promoted people in our Government, who have fallen at the hands of these notorious, inhuman, so-called *Shifta*. If we do not take care we might find ourselves shifted into something else and it is time we prevented ourselves from being shifted and rather shifted the *Shifta* before they shift us. The only way to shift the *Shifta* is to deal with them ruthlessly. I do not think we would be doing any good service to our country if we carry on with this "Go slow" or, rather, appeasement attitude. I was here during the Emergency, right from the beginning to the very end and I saw what happened. Some people say these *Shifta* are citizens of this country. We accept that, but the *Kikuyu* were also then citizens of this country and they were dealt with ruthlessly, even innocent people. It is time, therefore, that we should deal strictly with any tribe that tries to be a nuisance to the whole nation. This is the time the *Shifta* are dealt with ruthlessly, starting from Nairobi right through the country. I feel it is nonsense, Mr. Speaker, to think in terms of a five-mile strip; I should rather say it is childish to do so. The *Shifta* can leave the Somali border and run those five miles in forty-five minutes. They can come and kill the people and run back in two hours. We must have this Emergency throughout the whole country so that the security forces can see which of these *Shifta* are crossing the border. We are not actually here as Opposition to try and belittle, as some people have tried to imply, the efforts of the Government. We are only trying to point out what we feel about the whole situation because we are all concerned about it, because I am afraid too, Mr. Speaker, that if we do not check

the situation seriously we may soon find that we have one of our Ministers captured by the *Shifta*, or kidnapped, and taken to Somalia; probably they will tell us that we must agree to have the N.F.D. included in Somalia if we want the Minister back. That will certainly be a very embarrassing situation. This can easily happen because these *Shifta* are getting a bit too dangerous. I am speaking on this issue because I, myself, do not feel very secure. If our country's trained forces, can be raided by these *Shifta* all the time I feel it is dangerous. They may come and take me or any one of you. Therefore, Mr. Speaker, I feel we must get this question right because communication is one of the major issues.

I hope the Government will take this very seriously and establish a radio telephone in almost every spot there so that we can get first-hand information and rush to the spot immediately. I was surprised to learn that one day a person travelled fifty miles to report the death of a chief. This is not very good in a country which is respected throughout the world. Are we so poor that we cannot afford communication in places in order to avoid some person having to run fifty miles not only to come and warn us of trouble, but also to announce the death of a person?

I am surprised to find that some hon. Members are taking this as a joke and laughing it off. This is a question which concerns the lives of people. The parents of those people who have been killed already do not feel very happy about that. It will be a terrible thing to read in the Press that some Members were shouting and joking while this Motion was being discussed. I do not think interruptions or shouts in this House will serve any useful purpose in the country. We must all be serious on this issue, and I would like to congratulate the Prime Minister on this issue and we on this Side of the House give him the O.K. to do everything necessary to solve this problem. If the worst comes to the worst, the Prime Minister and the Government should act immediately for the whole country is behind them. Any further nonsense by the Somalis—we know of their broadcasts over the radio—should be dealt with. Their broadcasts do not stop us from doing our jobs. Let us not be like them and broadcast, but let us kill. All the people in Kenya do not understand or know what the propagandists are about because not everybody has a radio. So, their broadcasts are immaterial as far as we are concerned, but we must deal with them on the spot.

I feel that we are too lenient to people who are not lenient to us. As a matter of fact it is a planned thing: the *Shifta* get the most important

[Mr. Shikuku]

people, the people we honour, the people who are placed in responsible posts and who fall into the hands of these—I do not know what adjective I should use—*Shifta*. We must shift the *Shifta*. This is the most important thing and I can see that the Minister for Home Affairs is quite serious. I think that if we all were as serious as the Minister for Home Affairs, things would be better.

Mr. Speaker, therefore, I do not think I can say any more on this. I would like to call upon the House to support the Prime Minister's Motion, taking into account what was said by the Leader and the Deputy Leader of the Opposition, and go ahead and do some work because the people will all be behind us. We who speak here, speak on behalf of our people, and so the Government has the O.K. from us and our people.

With these few remarks, Mr. Speaker, I beg to—

Mr. Somo: Mr. Speaker, Sir, I, as a Member for Lamu District, want to point out very clearly points concerning Kiunga and Shakani: these places were attacked a few weeks ago.

Mr. Speaker, Sir, when these two villages were attacked I flew on the second day to Kiunga and saw the situation there for myself. When I reached this place the dead body of a man was still lying on the ground. It was I who went to another island—all the people from the villages had run to this island—and I brought 10 men back with me by canoe to the village and we helped each other to take the body and bury it straight away.

Mr. Speaker, straight away I flew back to Nairobi and reported all this to the Prime Minister himself, in his office, and he assured me that the Government had already arranged to send the General Service Unit Patrol 25. He also assured me that all those people whose shops had been looted would receive help from the Government and still the Leader of the Opposition comes here and says that the Government is doing nothing. The Prime Minister then sent me to the Ministry of Home Affairs for food relief. I went there and spoke to the Permanent Secretary and he assured me that those people would be getting food relief. When I went back to Lamu I know that the bags of maize were on the way to the place. When I arrived there I found that the maize and the dried milk was there already. Sir, how can you expect the Minister of State to go and visit the place which I have visited two times and then send a report here? What is the use of his going there while I can go there as a representative of the Government? All Elected Members are representatives of the Government.

Mr. Speaker, Sir, a week ago I met the Leader of the Opposition in one of the roads in Mombasa and he asked me—

An hon. Member: What road?

Mr. Somo: Salim Road and he asked me, "How is the situation there? I have heard that many people have been killed." There was only one man who was killed, not many. That man was a watchman at the administration office and he was a member of the tribal police. I knew him very well and I can tell you now that he was a very close friend of mine and, therefore, I know better than you, Mr. Speaker, when we turned back to Mombasa he asked me, "Oh, how is the situation there?" and I explained it all to him: "After 14 solid days everything is quiet, the General Service Unit is there and the district is operating properly and is being watched by the General Service Unit," and then he went there. If he was not afraid of the bullets why did he not accompany me on the second day so we could have seen together?

When I visited the Lamu the first time everyone was on the island, and myself and the Government Regional Agent, Mr. Karanga, had to go and tell the people that they could return because the General Service Unit were there to guard them.

An hon. Member: Did you get any *Shifta*?

Mr. Somo: That is not my work, it is the work of the General Service Unit. The people then went back to the villages.

This is the Government, Sir, and the Government has its Elected Members. It does not mean that the Ministers have to go every place where the *Shifta* attack; this is the duty of the Elected Members. We have to be in our constituencies so that we can watch what is going on around us and report to our Government. That is why I did this job.

Mr. Speaker, Sir, I am not going to speak any further on this, but I stand to support the Motion fully and with all my strength.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, in supporting the Prime Minister's Motion, I am inclined to say that it is very easy for the Opposition to criticize the actions of the Government as they have no responsibility whatsoever. We, on our part, have a responsibility. We should not plunge the country into war unnecessarily because we have to brave the consequences. In our minds, we have to satisfy ourselves that by doing so we would achieve the best objective.

[The Minister of State, Prime Minister's Office]

The Government has tried, in every possible way, during the last few months, to get the Somalia Government to see sense. The Prime Minister, himself, has spoken to the Prime Minister of Somalia when he visited Nairobi and the Prime Minister has spoken to the Somalia Minister for Foreign Affairs, and we have pleaded time and time again, in the interests of African unity, for Somalia to co-operate and see that there is a solution to this problem.

We have also taken measures, since we became members of the Organization of African Unity—to take advantage of this Organization and place before this Organization the problems between Kenya and Somalia. I was asked by the Prime Minister to lead the delegation that went to Dar es Salaam to the meeting of the African Ministers for Foreign Affairs. At this meeting, the Kenya delegation put it very clearly to the Government of Somalia that we were not interested in war, that we were interested in finding a solution to this problem: peace. We pointed out that we, too, could also have territorial claims on Somalia. Jubaland seceded to Somalia in 1925 and 1926, but we said, in the interests of African unity and in agreement with the Charter of the Organization of African Unity, we would respect Somalia's rights to that territory, because that is a fundamental principle of the Organization of African Unity.

I would like to explain this in this way. If we are, in Africa, to believe in peace, we must respect each other's territorial boundaries. Throughout Africa, there are problems of territorial boundaries, throughout Africa I said. Tanganyika could raise a problem with us tomorrow of half the Masai being in Kenya and the other half in Tanganyika. Problems could still arise also between ourselves and Uganda. There are problems in West Africa between one state and another, in Central Africa, throughout Africa. If Africa is to go to war because of territorial boundaries, what is going to be the future of Africa? Utter chaos, exactly.

Therefore, we at Dar es Salaam, respecting the Charter of the Organization for African Unity, said we were not going to make any claims on Jubaland.

However, on the other hand, we expected the Government of Somalia to respect our territorial boundaries, and we made it very clear that we were perfectly aware that the actions of the *Shifita* in our territory was guided, financed, armed and inspired by the Government of Somalia. We made

this very clear. We said that if this were the case, if this was the action of a Government who were our neighbours, could we then call them friends, because surely friends would respect one another's territorial boundaries? As such, we made it very plain that we were taking this matter up in the interests of the relations between our two countries, in the interests of peace in Africa, and we wished that the Organization of African Unity would see that these attacks by the *Shifita*, armed and financed by the Government of Somalia, would stop. We had to take this course to give the Government of Somalia every chance, and it was our duty as Members of the Organization to take that step. We succeeded at that meeting in putting it on the agenda, to pass the resolution at that meeting, that at every meeting of the Organization of African Unity, this matter of our relations with Somalia would be dealt with. Therefore, this problem is being debated in Lagos at the meeting which is taking place at the present time.

It is no use the House shouting that we must go to war. War is a very serious matter. We have to see what effect it would have on this country and what harm it would do. We have already been through a series of problems in East Africa which have done a tremendous amount of harm to us, and we have to exclude that harm, and that will take time. The Opposition have stated certain facts about what is happening in this Region. The Leader of the Opposition has been playing to the Gallery. I would like to tell him that there are three or four years before the elections, so there is no use starting campaigning today. I think he said that three *Shifita* were killed. My figures as at 31st December last year were: seventeen *Shifita* killed. Ten of our Security Forces have been killed, and there have also been losses in the civilian population. We do not know how many other *Shifita* have been killed because some of them escaped across the border and we do not know how many have died on the other side. Our Security Forces have done as much as they possibly can. One must remember that, during the crises in East Africa, we had to see that Security Forces were also on duty here in East Africa, and we had a double task to perform. Security is needed in the North-Eastern Region and Kenya itself. I, myself, have experienced, as the Minister for Agriculture has, operations of a similar kind against the Ogaden people. It took us one and half years, with more troops than we have in the North-Eastern Region today, to bring the Ogaden under control. This is not an easy operation. It is an operation which is going to continue and we will continue to lose lives. It is an operation in which we have to win

[The Minister of State, Prime Minister's Office]

over the confidence of the people of that area because, without their confidence, they are going to side with the *Shifita*. Already, we have made some progress. I visited Garissa, and had talks with the chiefs and political leaders. They all believe that the time has come for them to co-operate with the Government of Kenya. I think that was a great step forward. If you can remember, they refused to co-operate with us in the last elections, but then they were determined to have elections and they wanted them as soon as possible. At the time, I said to them that they would all come home and be very tired, they would want their meals and they would not be capable of going on with election campaigns, but they said, no, they wanted them as soon as possible. Elections have been held. They realize that the Government of Somalia has misled them. This was said to me by political leaders who represent most of the younger generation, and the elders, the chiefs, and we had a very successful *baraza*, compared with the *baraza* we had with them at Government House a few months ago which was completely different. On this occasion, they were absolutely frank, and I believe in their sincerity that they want to co-operate with us. This is a step forward. They wanted also to have their own Home-Guards. They have already tried to form a Home-Guard in certain parts of the North-Eastern Region. When we can get the full co-operation of these people, it is only then that we will be able to smelt out the *Shifita* gangs, and it is the local people themselves who will fight against the *Shifita* to see that they get nowhere.

These things take time, and I think we are just beginning now to gain the confidence of the people of the North-Eastern Region. With their co-operation—I am quite sure it is not a question of military fighting, it is a question of co-operation, a question of intelligence to know where the *Shifita* are and how they are meeting. The conditions of fighting in that area are very difficult. It is not like two armies meeting and having clashes with tanks and heavy artillery. You have got to meet your enemy and fight him with the same means that he employs: that is by stealth.

That is the nature of the fighting in the North-Eastern Region. We are, as I said before, gaining the confidence of the people of the North-Eastern Region. To gain some peoples' confidence sometimes takes time.

As we can now see, the Members who have joined us in the House from the North-Eastern

Region, are going to work and co-operate with us, and we are sure that this co-operation will be extended also to the peoples in the North-Eastern Region because they, themselves, have also suffered. They have had their children abducted. They have had their people, their friends and relatives, shot by their own people, and by people from across the frontier.

So it is, my friends, I think not only a difficult task, but a task with which we are making some headway. We are determined also to see that even the economic conditions of that area improve. We have got the F.A.O. on a big project there, which will serve the needs of three of the regions, and this is going to cost us millions of pounds. We hope to allocate, I think, a quarter of a million pounds for development for the Northern Frontier District. We want to prove to the people of the North-Eastern Region that we can do more for them than the Government of Somalia can do, and I think we can. So that they can understand that by living in a free Kenya they can be happy and prosperous.

I would urge the House that it is no use making wild claims, or rushing into matters, instead of looking at things in the proper perspective. I think, if we are patient, in time we will win over the circumstances.

For that reason, Mr. Speaker, I support the Motion.

Mr. Alexander: Mr. Speaker, Sir, may I try and deal with a completely different aspect of this need of the declaration of an Emergency in the North-Eastern Region? Today, Mr. Speaker, we have listened to a very thorough presentation of detailed episodes by the Prime Minister which have gone on in this part of Kenya. We have just listened to a most informative speech (and really listened to it this time) from the Minister of State, and we were able to hear what he said without interruption, which was encouraging. We have heard that there is blame to be placed directly on our neighbours, who are supporting, inspiring, guiding and financing these people who are causing the trouble in our northern parts.

What we have not heard about, Mr. Speaker—and this is the part which I now wish to introduce—is the wider issues involved in this matter, the other sinister factors that are even more difficult to deal with. These are matters which are the grave responsibility of our intelligence service.

I refer, Sir, to forces at work beyond the boundaries of Africa. It would be timely today, I believe, Mr. Speaker, for us to be told what action our Government has taken to find out what other Governments are concerned in this that we

[Mr. Alexander]

might regard as unfriendly. I believe that whilst there is the possibility of assistance from other sources, then all our efforts will be of little or no avail. We have to go further and beyond this and to declare these people, as our Prime Minister has today declared Somalia, to be unfriendly Governments, wherever they may be and how ever far away from Kenya they may be.

We have been told in various reports, unconfirmed officially, of ships that lie out of the port of Mogadishu. We have been told of assistance to the armies of this neighbouring territory. We have heard, we have read, that there is even the suggestion of substantial financial assistance. How much of this is all directed at Kenya? To what extent have we gone to find out whether those involved in this unhappy affair, on both sides of this line, are pawns in a far greater and more sinister movement that is going on? I believe, Mr. Speaker, that this may well be the real root of the trouble, and until we have gone down and dug it right up and shown it to the rest of the world for what it is, I believe we will have trouble.

I agree entirely with the Minister for Agriculture in his description, and he, of course, is experienced to talk on the difficulties of dealing with these people. I agree entirely with the Minister of State, when he speaks and with an air of grave responsibility, about going to war. These are not the obvious ways to deal with these matters. There are far more subtle ways of dealing with it, with subtle forces, whose only object in life is to fan the flames of small differences between people, so that they bring down in a state of collapse organized and established institutions of Government. There are those who, perhaps, would like to see this of our Government. Let us find them, let us point a finger at them, and let the rest of the world help us to deal with them.

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker, I rise to support the Motion, and also to congratulate our Prime Minister for the rightful stand he has taken concerning our relationship with the Somalia.

Mr. Speaker, it is now over two months since the State of Emergency was declared in the North-Eastern Region, and I would hate very much, and I think every hon. Member in this House would hate very much, to come here again after two months and extend this State of Emergency yet again. It has been the fear of many of us since the State of Emergency was declared, that it may not stop the trouble in the shortest time. Many of us have questioned ourselves, why it is that our forces have not been able to stop the

Shifita attacks in this small Region. One wonders whether these small groups of *Shifita* are better trained than our Army and Police. One also wonders whether they are better equipped than our forces.

Mr. Speaker, before I go on, we all appreciate the difficulties with which the Government has to work in this Region, but we also accept the responsibility, to see that these troubles are stopped in the shortest possible time. Our Government cannot refuse this responsibility.

Mr. Speaker, during this short time, we have lost very important people in this Region. We have lost two Regional Government Agents; we have lost two important chiefs; we have lost a number of soldiers, and only last week we lost a platoon commander and a number of soldiers. I think about twenty, are reported to be missing. In my opinion, this is not a good sign, and what I am going to confine myself to mostly are suggestions as to how the execution of the Emergency could be improved in this Region, because I think that our soldiers, who are employed in this Region, are capable of doing a better job than they have done in the past.

I have always wondered whether the civil servants in this area and even the soldiers were really loyal to this Government. I have reasons for this. Mr. Speaker, During the first month of the declaration of an emergency, we had reports of a number of soldiers who deserted from our forces and went to the other side, with our rifles and ammunition. Also, in view of what we have seen in Lanet, I feel it is high time our Government investigated the loyalty of the forces employed in this area. It does not matter how long we have the emergency: unless we have the right people to execute the emergency, we can have it for years, we shall continue to have our people being killed, without any results.

Coming now to civil servants, it is common knowledge that many of the Colonial civil servants who have been working in the Northern Frontier District for many years have been part and parcel of the whole campaign of secession for many years. I know from personal experience that district commissioners, even medical officers, agricultural officers in all these areas, used to incite the Turkana and Somalis, saying that they were not part of Kenya and that they should secede either to Ethiopia or Somalia. These are the people who started this trouble. Mr. Speaker, I fail to believe and I cannot believe that these same people can restore order and peace in that area.

An hon. Member: Impossible!

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker, we have seen in history what the Colonial powers have done in many countries. We have the example of Kashmir trouble which was started by the British Colonialists. We have Cyprus now, which was also started by them. They enjoy coming back as peacemakers. Mr. Speaker, I think our Government should be ruthless on this question, and I am glad that the Prime Minister has shown us that he is not going to stop at anything to restore order in this area. Being ruthless means employing every method. It means to remove all the civil servants there, and put new people who are really loyal to the Government who are interested in the peace of this country, and not the people who are interested in causing trouble or in calling the British to come back to restore order. I think I have reason to accuse the civil servants.

The British Administration has always supported secession in that area. At one Constitutional Conference, the British Administration sent Chiefs to London and they were not representatives of the people. They went to London to demand secession and these are the people who are expected to advise the Government, they are the people who are expected to tell the Government what is going on in the Region. For example, Mr. Speaker, Sir, one week after the declaration of the State of Emergency, the Civil Secretary issued one statement after another, saying that things were much better, which resulted in our Government agreeing to allow the Somalis who had run into Somalia to come back. Mr. Speaker, I do not know who knows what these people were bringing back. We do not know what really happened, or whether they were *Shifita* bringing arms.

Mr. Speaker, I believe it is high time that our Government acted because, unless we act quickly I think the civil servants in that area are going to put us in a very difficult position. As we have a State of Emergency now, it will be right to rule that Region with Military Forces without the Chiefs and without even the civil servants, so as to restore law and order in that area. We have been very lenient to the Somalis. The *Shifita* have always come and shot our soldiers and run back to Somalia. We have had reports of *Shifita* being trained on the other side of the border, but we have taken a long time to come to the conclusion that Somalia is an unfriendly country. As we have come to that conclusion, now I think it is high time we regarded them as enemies and treated them accordingly. There is no point in talking about peace or about African unity when

our neighbours are not interested in it. We are not going to be deceived into talking when we should be fighting. Mr. Speaker, the Ministers have talked of co-operation as being very important and I agree with them, but this co-operation has to be initiated and defended by this Government. We cannot expect to have co-operation from these people unless we show them, in the Eastern-Region, that we are capable of defending them. Our forces must put up a better show.

It has been said, that this is a very difficult kind of warfare. I agree, it is guerrilla warfare, but I wonder which other force in East Africa has had more experience in guerrilla warfare than the Kenya forces? During the Emergency, Kenya had forces who were quite clever hunting our brothers in the forests. The British officers, who were commanding these units were very clever, they had many ideas for dealing with the guerrilla; they had many experts like Ian Henderson who initiated the pseudo-gangsters. Therefore, I think that our forces are more trained and know more about guerrilla warfare than the *Shifita*. They have been trained for a long time in this and the *Shifita* have only been trained for two or three months on the other side of the border. Our forces have lorries and Land-Rovers and modern equipment. Yet every now and then, Mr. Speaker, we hear that a small group of *Shifita* has attacked a military camp and then run away. They have been pursued, but nobody has been caught or shot. Mr. Speaker, Sir, I think we should now stop deceiving ourselves and look at these forces and see if they are interested in this thing. If need be, Mr. Speaker, all the civil servants in that area can be removed and all the British officers in the units can be replaced by African leaders. If these forces are not enough we should all be prepared to go to the assistance of the Region and fight for the integrity of our territory. Mr. Speaker, I believe that all forces serving in that area were here during the Emergency, including all the officers. They were very clever and the Kikuyu was controlled everywhere, in his home and even outside Kenya. Now we have the Somalis roaming about in Kenya everywhere; there is no check and they can even go and shoot our soldiers and run back to Nairobi to rest. Mr. Speaker, if we mean business, all these people should be controlled and if need be, the Emergency Regulations should be extended, particularly to the Eastern-Region and the Coast Region, and even to Nairobi. Then, Mr. Speaker, we can be assured that the loyal citizens in the North-Eastern Region will be safeguarded and we shall even be assured that we ourselves also shall be safeguarded.

[The Parliamentary Secretary for Education]

Mr. Speaker, we are all interested in humanity, but I think in war there should be no such human feelings. These bands, I think, are given the wrong name. As far as I know, *Shifita* means just a small group, which has no political meaning or political backing, but is simply interested in robbing and so on. But these are not *Shifita*; they are properly trained and organized groups with a political aim behind them, and for that reason, Mr. Speaker, Sir, we should be ruthless if we are to safeguard the integrity of this territory. Our forces should be given orders to shoot at sight. We have seen it done many times in many countries and I see no reason why the Kenya Government should be so kind even to its enemies. I think it is the wrong policy. Mr. Speaker it is now a long time since these Somali attacks started and only the other day the Somalia Government, being very encouraged by what it has done to Kenya, turned to Ethiopia, Ethiopia a neighbouring country, and in about three days, 300 people were killed and the other day the matter was taken by Somalia to the United Nations. We want to see them kneeling, we must demonstrate our strength, Mr. Speaker. If we do not do this, I think we will not be doing any service to this country.

Mr. Speaker, I have given a few suggestions which, in my opinion, are very important in prosecuting this Emergency, so that after two months we can come here and hear a report from our Prime Minister that everything is quiet in the North-Eastern Region and no *Shifita* is showing his head in that area. Mr. Speaker, I would appeal to every Member in this House and to the people to co-operate with our Government to see the success of this prosecution of the Emergency, but I would like to remind them of one point, Mr. Speaker. If we are to win the confidence of the inhabitants of the North-Eastern Region, we must win their co-operation. We must show that we are competent to defend them, and it is only then that they will co-operate. They will automatically side where the strength lies. If we go on in the way we are going, we will lose the war. In a very short time we may find everybody there siding with the *Shifita* and it will be a very sorrowful sight.

Therefore, with these few suggestions, Mr. Speaker, I beg to support the Motion very strongly.

Mr. ole Olotipitip: Mr. Speaker, Sir, I rise to support the Motion with only very few words.

First of all, Mr. Speaker, as regards the speech made by the newly-elected Member from the North-Eastern Region in which he said he does

not blame the Somali Government, I think he is very wrong. We here very strongly blame the Somalia Government because we understand that it is the Somalia Government which has instigated all this troubles that the *Shifita* are raiding Kenya today. We know also that it is the Somalia Government which encourages the people in the North-Eastern Region to secede from Kenya, and that is why there are *Shifitas* today: to try and take these people away from Kenya. We do not support the idea that the Somalia Government should not be blamed. I personally very strongly blame the Somalia Government, I believe that it is behind these *Shifitas* and it is up to Kenya now to try and work very hard indeed to stop the *Shifita* raiding our country.

The other point I would like to make, Mr. Speaker, is about loyalties. We have some Somali people here who have been living in this country for years: some of them were even born here and have never gone to Somalia. If we rise here and say we should arrest these people and lock them all up, I do not think we are going to be very successful in doing this job, because if we take the *Mau Mau*, for example, a major part was played by the loyalists who gave the Government proper information. If we are going to arrest all these people and lock them up, I do not think we are going to be able to get the proper information we need. Therefore, I believe that these people who have no concern with the *Shifita* raids should not be locked up and should not be molested, but we should use them as people to give us proper information in dealing with this matter.

What I would like to suggest, Mr. Speaker, is co-operation between parties, between citizens of Kenya, and I should say that, if possible, we should set up a security committee to deal with this matter and help us handle it properly.

Hon. Members: There is one already.

Mr. ole Olotipitip: It is not there because when this emergency was declared, we from the Opposition were never consulted, except that day here, the 31st December.

Then I think, Mr. Speaker, in handling this matter I would not support the idea of arresting all the Somalis in Kenya because I believe we have some very good ones who want to help us and who do not support the *Shifitas*. When it comes to the question of war, Mr. Speaker, I have heard most of the gentlemen here say, "Hear, hear," but I would like actually to warn them, my friends. Perhaps most of us were very young during the war and we have not seen what war is. I am not discouraging, but I must tell them the facts, because I, personally, have been a soldier.

[Mr. ole Olotipitip]

I have seen how war works; I have seen a lot of good brains being killed and a lot of people suffering, while most of these people have not seen it. If they think I am a coward, then put me in front of a battalion and I will lead our forces.

Mr. Speaker, I think we must be very careful in handling this matter. As the Minister of State said, this is a type of guerrilla warfare and it should be dealt with in the same manner. Perhaps people here in this House think there are only a few *Shifita*, but we are not sure whether these are the only *Shifita* there are. We understand that there is a base already built in Somalia by Russia and the Chinese, and we know very well that these people are well trained with modern weapons. If they think that the *Shifita* are only few in number, they do not really know. The people who are making a base in those countries are friends of Kenya.

Therefore, Mr. Speaker, I suggest we support the Motion by giving the Prime Minister power to declare a State of Emergency for another two months, and we not only ask our Government to be alert but to come forward now and show that they mean business.

Another thing, Mr. Speaker, is that I have also heard Members here saying, when anybody stands up to speak, that he perhaps wants to defend his position. This is not what we should do here. The question of our people being killed is not something we should joke about in this House: it is a very serious situation. I would like all of us, Mr. Speaker, to come forward with sensible ideas of how we could defeat these people straight away. I would suggest, Mr. Speaker, Sir, that the Somalis we have here in Kenya should not be arrested, but I do not mean that they should not be investigated. When we have stood up here, most of the people have attacked the Government, to bring the Government to its senses, to tell the Government that they have not done this, and this is what they should do. The Government have taken this and have admitted it, and I think that we should now give them another chance to do this thing, and I hope they will do it correctly.

Therefore, with these few words, Mr. Speaker, I beg to support the Motion.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I do not see why the Members are excited about my standing up. The position of the Government has been made quite clear, and, as far as I can see, listening to all the points that have been made here, I find that for once the whole House is in complete agreement: that the situation is serious.

that it needs greater effort and resolution and that it must be executed to finality. We are also all in complete agreement that there can be no question of the secession of any part of Kenya to anybody.

Having reached this agreement, it is natural that Members on both sides of the House have found fit to make various suggestions, and I am quite sure that they will realize that the Government can do no better than to listen to these various suggestions and see how, in its judgement, any of them can be applied to the situation. It is not a question of the Government, today, in this House, being on the defensive. After all, it is the Prime Minister who said right from the start that this Government considers the Somalia Republic as an unfriendly Government. It is not that we have been told this by the House. Mr. Speaker, it is quite easy to say "too mild": all of us recognize where the danger is: all of us agree that something ought to be done; but I am sure this House will agree that we must leave the Government and the army in the field to determine, from day to day, what measures must be taken.

There have been some very useful suggestions made on both sides and I am sure these will be considered, but what must be avoided is to make too many generalizations and extravagant statements. For example, a Member in the Opposition asks what are they. I would tell him one of these extravagances is such as the one indulged in by the Leader of the Opposition. It is no use spoiling your case by exaggerating and I hope that this will be borne in mind.

The second and last point I want to make is this. The army in the North-Eastern Region is in a position in which, as the Minister of State has said, they need to know that we recognize the efforts they are making and that they have the full backing of this country. It would be unfortunate for the army to be made to think, or even to feel, or even to suspect, that we have no confidence in them. There is no member of the Kenya Rifles today who is in the North-Eastern Region, who does not know that any time or any day he can be shot at and killed by *Shifita*, and who is going to be indifferent to the situation in which he is. It is true that in one or two cases one soldier, or some soldiers, deserted, soldiers of Somali origin; but it is true that some of them also engaged in action and, in any case, I am informed, and I am advised to say by the Minister of State, that at this moment there is not a single soldier in the Northern Frontier District of Somali origin. Sir, let this House see that our soldiers know; not only that we rely on them but that we have full confidence in them and in their ability. We all recognize that they need to be

[The Minister for Justice and Constitutional Affairs]

strengthened and we will strengthen them and it is what this House should be called in for. We all recognize the serious situation in which we are engaged and the Prime Minister, who is a man of very serious responsibility and whose words in this House have always been very carefully weighed, has found it necessary on this occasion to come out and state—and when the Prime Minister makes such a statement it is a grave statement—in this House that we find the Government of Somalia to be an unfriendly Government. That is not a very easy statement for the Prime Minister to make. It denotes the gravity with which the Prime Minister and the entire Government look upon the situation, and I hope, Sir, that when Members debate this matter they will agree that it is not this Government Bench which is on the defensive or on trial.

As the Minister for Agriculture has said, this is not a party issue, it is not a group issue, it is a Kenya problem, and all of us have got to work together in co-operation to defeat the enemy.

Let us also, if I may say this in ending, not belittle what has been pointed out here and what some people tend to belittle. Let us not belittle the fact that, in order to be completely successful and to re-establish complete stability and development in the area, we shall have to work with the people. We must look forward to the day when it is possible to withdraw the security forces and the area reverts to normal life with the people taking their normal place and participating in the growth of the area. We cannot succeed if we merely succeed in killing a few *Shifita* and having the army and troops living in the *manyattas* and the villages for all time. That will not be success. Success must, in the end, mean that we can withdraw the troops and that the people revert to normal life. That is the policy which the Government is pursuing. The basis of this return to normality lies in winning the confidence of and working with the people of the area. It is in these *manyattas* that the *Shifita* hide; it is in these *manyattas* that they find shelter and food; and it is there that we need to create the co-operation and support that can deny them the water, food and shelter. This is the policy which the Government wishes to pursue.

I beg to support.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): On a point of order, Mr. Speaker, under Standing Order No. 70, subsection (1), I wish to move that the Mover be now called upon to reply.

(The question was put and carried.)

The Prime Minister (Mr. Kenyatta): Mr. Speaker, Sir, in replying to this Motion, I do not think I will have much to say except to thank many of the Members who have taken part in this debate. Especially, I would like to thank the Opposition: Mr. Muliro, Mr. Moi and Mr. Shikuku. But for Mr. Kabwere I feel very sorry, because he has been talking too much of Kabwere rather than deep politics. I think it is a shame when a Leader of the Opposition, in a situation like this, finds it fit to just stand up and talk about nothing. Instead of bringing something tangible, he could only talk of Kiunga. He reminded me of a blind man who was once walking on the road and his eyes opened and he saw a donkey and then his eyes were shut again and throughout his lifetime he continued to think that he would never find anything as beautiful as a donkey. Therefore, Kabwere knew no more than about Kiunga and I am very sorry for him. Therefore, instead of just trying to reply to what nonsense he talked about I would like only to say I pity him Mr. Kabwere.

The Speaker (Mr. Slade): Mr. Kenyatta, Members of this House refer to each other as hon. Members.

The Prime Minister (Mr. Kenyatta): All right Mr. Ngala: On a point of order, Mr. Speaker.

The Speaker (Mr. Slade): Order, order.

Mr. Ngala: On a point of order, Mr. Speaker. Is the hon. Prime Minister in order in using the word "nonsense"?

The Speaker (Mr. Slade): No, it is not in order to refer to hon. Members' speeches as nonsense, even if they are thought to be so.

Mr. Ngala: On a point of order, is the hon. Member in order in referring to me as Kabwere?

The Speaker (Mr. Slade): No, I must ask Mr. Kenyatta to respect the ruling which I have already given on that point.

The Prime Minister (Mr. Kenyatta): Having finished with the points of order, I continue with my reply.

Mr. Speaker, we are faced with a very grave situation. Some people in this House would applaud loudly if I were to tell them that I would issue the order for the army to shoot at sight. This I will not do, because we are, Sir, human beings, and sometimes, whether we are angry or not, we must act as human beings. I consider the Somalis in the North-Eastern Region as our

[The Prime Minister]

brothers. However, you say, "Go along, shoot them." Very well, if you say so, if I want to shoot the whole lot of them it will only take a week. We have a very strong army and the police to do their job. However, this is not the way to settle problems; you cannot settle problems by shooting. You have to negotiate with your brothers, you have to talk to them. In this House today I think we have three Members who have voluntarily come forward to join the Government, with a mandate from their people in this particular region. Some of these Members perhaps think that this has come like manna from heaven. This is not so. It has come about after long and wise discussion with the Chiefs and with reasonable people in the North-Eastern Region; that is why we have a majority of them with the Government. We all would like to see the situation in the North-Eastern Region come back to normal, but there are many things, or many ways of battling with the difficulty, rather than only going and shooting these people. How would he like to hear, the Member for the Coast, if I say to him, "Go and shoot them on sight." He would not like that. Therefore, we have to conduct the negotiations, we have to fight the *Shifita* and when I say we have to fight the *Shifita*, I mean we have to fight them and we have been fighting them. If you want to know some of the things we have done to the *Shifita*, he would not come here and keep repeating "Kiunga" again and again. The Government is prepared to fight *Shifita* and we are going to fight them, but, at the same time, Mr. Speaker, we are not going to wage war against these people of the North-Eastern Region; we are going to wage war against the *Shifita*, not the people.

Coming now to the Somalia Government. Some hon. Members may think we are weak and wonder why we have not attacked the Somalia Government. Unlike Ethiopia—where they came in force and crossed the Ethiopian border and were given the lesson that they deserve—they have not dared to come anywhere near us, to our border. They have employed our own Somali in the North-Eastern Region, and it is not all that easy to sort out in the population who is *Shifita* and who is not. So we employ different methods to fight the *Shifita* and all I can assure hon. Members is that the Government is taking steps: all that are necessary to be taken. I would not like to leave this unsaid. We have every confidence in the fighting forces, our security forces, in the Northern Region. These people work with the Administration and they work under difficult conditions; and I would like, if you are willing, to recruit you, my friend, to take you there and

let you spend a week there fighting, not just wandering about on your own, Mr. Kabwere.

Mr. Ngala: Is the hon. Prime Minister in order in repeating you have ruled as being out of order?

The Speaker (Mr. Slade): Mr. Kenyatta, it is out of order to refer to the hon. Member in this way and I would ask you not to do so again.

The Prime Minister (Mr. Kenyatta): Mr. Speaker, I accept your ruling, but this is a name which he has accepted; but I will observe your ruling.

I will take the hon. Member, recruit him, give him a uniform, and all that is necessary for war in North-Eastern Region. I will take him there for two weeks, and I challenge him to accept the challenge so that he will understand the difficulties that these people experience in the North-Eastern Region. Gentlemen, do not laugh or minimise the work which has been done for us by these soldiers and the police in the North-Eastern Region. They are doing very hard work, and they are doing what they can do to fight the *Shifita*, and instead of speaking lightly about those people, we ought, in this House, to send our congratulations to these men for the work they have done.

Mr. Speaker, with regard to the Somalia Government, it is all very well for us to say, "Let us fight Somalia". I do not think the time has come to fight Somalia. We can protest against Somalia. The Somali have not yet crossed our border. But if it is our wish that we declare war against Somalia, then give me money and I will order the army to cross the boundary. But if we want peace, then agree with me, let us stand on our border and say: "We are guarding our border, *Shifita* or no *Shifita*, Somalia or no Somalia, we will not let anyone cross our boundary." I can assure hon. Members, that the Government is capable of doing many of these things which they have been asking us to do. We have listened to them, but it would be foolish, hon. Members, for the Government to take wholeheartedly all the words which are said in this House and put them into action. We have to shift them, and see what we are going to put into action and what we are going to store. All I can say is, the *Shifita* will be fought with all force and we will spare nothing fighting *Shifita*. I am very happy to have Members here from the North-Eastern Region who will be able to guide us because, a Swahili proverb, which my friend the Member for Kilifi will know, goes..... (inaudible)..... I do not know whether he can understand Swahili—

Mr. Ngala: On a point of order, Mr. Speaker, can the hon. Member Prime Minister put the Swahili proverb properly for the House?

The Prime Minister (Mr. Kenyatta): Mr. Speaker, it is no use saying it should be put into proper language. I think the language I used is international language, whether he understood it or not. I am very grateful to those who have taken part in this debate, and for the support Members from all sides have given the Government.

In conclusion, Mr. Speaker, I can promise the House that the Government will do it all in its power to fight the *Shifita* but not the population.

(The question was put and carried.)

The Speaker (Mr. Slade): I am afraid that, in spite of obvious unanimity, I am required by Standing Orders to have a Division to ascertain that we have the 65 per cent majority of all Members. Ring the Division Bell.

(The Division Bell was rung.)

DIVISION

(The question was put and the House divided.)

The Speaker (Mr. Slade): Order, order, Mr. Sagna, you will not do that. When the bar is drawn, the bar is drawn and hon. Members will not pass.

(The question was carried by 101 votes to Nil.)

(AYES: Messrs. Achieng-Onoko, Agar, Alexander, Amin, Angaine, Anyieni, Aremam, Argwings-Kodhek, Babu, Bala, Balala, Barasa, Bometi, Bonaya, Chanan Singh, Choge, Dr. de Souza, Messrs. Dingiria, Ekitella, Gaetano, Gaciatta, Gichoya, Gichuru, Godana, G. Godia, Jahazi, Kagga, Kamau, Kamunde, Kamuren, Kariuki, G.G., Kariuki, J.M., Kase, Kenyatta, Kerich, Kerre, Khalif, Khasakhala, Kiamba, Dr. Iano, Messrs. Kibaki, Kibuga, Kioko, Kiprotich, Komora, Konchellah, Lorema, Makone, Malinda, Marrian, Masinde, Matano, Mati, Mbat, Mboogoh, Mboya, McKenzie, Moi, Moss, Mulama, Muliro, Dr. Mungai, Messrs. Murgor, Muruli, Murumbi, Mutiso, Mwalwa, Mwanzandi, Mwanjumba, Mwatsama, Mwendira, Ndile, Ngala, Ngala-Abok, Ngei, Njiri, Nyaga, Nyagah, Nyanweya, Obok, Odera-Jowi, Odera-Sar, Odinga, Oduya, Okwayo, Oloitipiti, Omar, Omweri, Onamu, Osogo, Pandya, Rurumban, Seroney, Ehiuku, Somo, Tanui, Theuri, Too, Dr. Waiyaki, Messrs. Wamutheny, Warithi.)

The Speaker (Mr. Slade): The majority required for this particular Motion is sixty-five per cent of all members of the House which is

actually eighty-four Members. The consequence is that I declare the Motion carried.

MOTION ON THE ADJOURNMENT YOUTH RECRUITMENT FOR POLICE FORCE

The Speaker (Mr. Slade): It is past the time for the interruption of business, but there is a matter to be raised on the adjournment. I will now call on a Minister to move that this House do now adjourn.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister of State, Prime Minister's Office (Mr. Murumbi) seconded.

(Question proposed.)

Mr. Shikuku: Mr. Speaker, Sir, I do not think this Motion is all that complicated. It is a simple Motion based on facts and I feel that there will be no trouble on either side in understanding it. Why I raise this matter, Mr. Speaker, is because there was an announcement in the paper and over the radio on the 31st January and also repeated on the 24th February to the effect that the Kanu Youth Wingers only will be employed or recruited into the Kenya Police Force. The reason here, Mr. Speaker, is that I feel the Police Force, or, for that matter, the Army of the country, should not be made up of politicians, because immediately we get that, we shall not get a service that will be of any use to the country. To start with, Mr. Speaker, being a politician, if I was employed in the Army, although I would undergo training, it is very difficult for a politician to accept anything without question, and if we are going to have politicians in the Army in the form of youths, I do not know what the commanders, or those responsible who have high ranks in the Army, will do. Because they will definitely find it very difficult indeed to deal with such people who join the Army.

I feel, Mr. Speaker, that this was very unfair and I would like to know whether it is official Government policy to recruit youths from Kanu youth only and if this is so, whether the Government has taken into account the fact that the expenditure of such services as the Police Force, the Army, hospitals, roads and prisons and any other public service, are met from the taxpayers' money. If that is the case, as of course it is, then is this Government not trying to use its own position to exploit the taxpayers in this country who are definitely in the majority and who are not members of Kanu?

[Mr. Shikuku]

I do not want to get into the question of Kanu/Kadu, but let us face the facts. I think the main aim in having the Kanu youth recruited into the Police Force is probably because the Government feels that by having the youth wingers who are Kanu in the Police Force they will be more safe or will have faithful servants in the Police Force. However, if that is the case, it is easy for any man from a Kadu stronghold to say that he is Kanu in order to get the job.

Mr. Ngei: On a point of order, Mr. Speaker, I would like to seek your ruling on whether this House is going to accept written statements in newspapers as enough evidence to establish that the Government's intention was to recruit Kanu youth wingers.

The Speaker (Mr. Slade): Hon. Members are entitled to rely on statements they see in the Press, which have not been contradicted, as a basis for contention; it is still open to Government to contradict them in this House.

Mr. Shikuku: Thank you very much for your ruling, Mr. Speaker. I hope the hon. Member for Machakos is now satisfied. So far, no Government official statement has ever denied that the first announcement was made on 31st January—I quote from the *East African Standard*—and also repeated at Mombasa on 24th of this month, and over the K.B.C. If the hon. Member would only spend a little time on reading, he would find out that.

Mr. Speaker, if that is the truth; namely, in order to be secure, the Government must employ only those who are committed to the Government because the Government is a Kanu Government, then they are making a mistake, because anybody from Kadu could as well become a member of Kanu for the sake of getting a job, and when he gets the job he will do everything for the downfall of the Government in the long run. Therefore, it is unwise to think that by so doing you would be getting yourselves anywhere.

Furthermore, I would not quarrel, Mr. Speaker, with the Kanu people over this issue if those who are going to be employed in the Police Force are going to be paid out of Kanu funds, but as long as they are going to be paid by the taxpayers, most of them are not members of Kanu, then it is completely unfair.

Hon. Members: Question, question.

Mr. Shikuku: To those who say, "Question", Mr. Speaker, I say I would like the Government to accept the challenge now.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, is it correct, when the hon. Member knows very well that most of the people are Kanu, for him to say most of them are not?

The Speaker (Mr. Slade): I think it was a slip of the tongue. His point was that there are a lot of the public who are not Kanu.

Mr. Shikuku: Yes. I think the hon. Member ought to have understood that, I am only concerned with the question of taxpayers. The taxpayers are the majority, who are not necessarily members of Kanu or Kadu, for that matter. For that reason, Mr. Speaker, if we are going to use the taxpayers' money to employ people of a particular political party, this is completely unfair, and I would like to have it readjusted. Those who think they have the following of the country and the whole country is Kanu, let us agree in this House—and I challenge the Government to accept this challenge—to allow those who are not Kanu members not to pay taxes, and let us see if the Kanu members can run this country out of their own taxes. They cannot.

Therefore, I feel, Mr. Speaker—and any sensible man would feel the same—that we must have a Police Force which is not committed to either side, in order to get the best service, and so it should be with the Army. It would be completely unfair, Mr. Speaker, if the Army were to be made up of Kadu or Kanu, because you can never get a good Army out of politicians.

The other thing I would like to point out, Mr. Speaker, is this. We who are in Kenya are aware of how many crimes are committed in this country, and I feel it is time for us to get together and get the best Police Force. The recent recruitment at Mathari is evidence. Here in Nairobi, which is a cosmopolitan area, only Kikuyu were employed. If this is the sort of thing we are asked to support, it is very wrong and we cannot stomach this from the Government. Therefore, Mr. Speaker, I end by saying that this Government must recruit all the people, all the citizens of Kenya, otherwise the cry for the *Harabee* spirit is a complete mockery, a mockery of the first order. We are not going to help the *Harabee* spirit if our taxes are used to employ people from a certain party and, worse still, from a certain tribe.

Therefore, Mr. Speaker, I hope the Government will not take it easy. I would like them to assure this House and the public of Kenya, who are the taxpayers, that their money is not going to be spent to run a political party.

Mr. Ngala: Mr. Speaker, Sir, this is a very important Motion and it is a matter of principle

[Mr. Ngala]

really. I sometimes wonder whether this Government is being guided in whatever it says in the Press. So many times it has been repeated that it is the policy of the Government to employ Kanu youth wingers only in the Police Force. The motto of the Police Force in this country is "Service to All". This is clearly written on the police vehicles. This is the motto of the Police Force itself which serves the whole country. Therefore, anybody from any corner of the country, whether he is Kanu, Kadu, CPP or whether he has no political associations at all—

An hon. Member: Or A.P.P.!

Mr. Ngala: Or A.P.P. which is out. Provided that a man has the necessary qualifications he should be appointed to the Police.

The question of discrimination on a political basis is out, it is the wrong principle. All we want in this Motion is to get a clear admission from the Government that this principle is wrong, and that it is not the Government's intention only to recruit youth from one political party to serve in the Police. This is against the police motto itself, "Service to All". How can the youth, if it only comes from one political organization, help the Police in the terms of the police motto?

From all the other African countries, European countries or Eastern countries there has never been a statement that is from their governments which is as awkward and as out of date as this one.

Mr. Ngala: On a point of order, Mr. Speaker, I seek your ruling, is the hon. Member justified in using the expression, "out of date"?

The Speaker (Mr. Slade): He said that a particular statement of Government was out of date, and he is entitled to express that opinion.

Mr. Ngala: I cannot understand why my hon. friend is so touchy, because this is not an APP government.

The motto of the Police Force is "Service to All", and, therefore, the policy of the Government should be "service to all" and all that qualify should be allowed in any of the Forces.

Sir, this Government has stated very clearly that it is going to seek employment for everybody. Think of a Government that serves the whole country. So many times we have been told that we have a Kenya Government and not a Kanu Government. The Government has said this very many times very clearly and so why should they, therefore, refuse employment to one section of the country and give this employment to another

section? I think this is highly discriminatory; it is intended as tribalism; it is against the spirit of unity; it is against the spirit of Harambee and so on. I think this Motion wants to clear one thing. Is it true that it is the policy of the Government that only Kanu youth should be employed in the police force? This is the question to which the Minister concerned should reply.

If this is true, I want to make it quite clear here and now that in the different regions where Kanu has no support at all the people will uphold the rights of the Constitution. The Constitution demands that the police should be partly paid by the regions. If this happens, then some regions will not pay the police at all, because this is discrimination of a very awkward type.

Mr. Speaker, Sir, on a very important issue of principle like this, the Prime Minister himself is away. It is the Prime Minister who has uttered these words; he even announced this in Mombasa in a different form just last Sunday with regard to the army. All the leading Ministers have walked out. Who is going to answer on behalf of the Government? I do see one Minister and I will give him time to say that the police force is for the whole country. The police is paid for by the whole country, because every taxpayer makes his contribution towards the payment of the police, and the regions are responsible for paying the units and contingents in the country. Therefore, the Government should give us the assurance today that this is a misreport; the papers have reported it badly. They should make it quite clear, and if it is their policy they must tell us today so that we can have a clear partition of these forces today.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, I stand to oppose the Motion on behalf of the Government, and at the same time clarify certain points.

The Member for Kilifi has every reason to feel aggrieved against this Government today. I might remind him that the police who took off his pennant from the Government of Kenya car could have been Kanu, Kadu or non-party.

An hon. Member: That is irrelevant.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): He wants to hear, does he not? I will not be directed by the Members opposite on what I shall or shall not say.

I want to make the position, with regard to recent recruitment, quite clear. I think this is, in fact, what the Members opposite are concerned

[The Parliamentary Secretary for Internal Security and Defence]

about. First of all I want to say that the recruitment was strictly in accordance with the provisions of our Constitution. Section 157, subsection 1, provides for a police force with a regional contingent for each region and a Nairobi contingent and specialized branches. Section 163, subsection 3, of that Constitution vests the power for appointment of officers below the sub-inspector grade in the Regional Commissioner and this quite relevant.

Now, Mr. Speaker, the position here in Nairobi was that the police had to decide who to recruit and who not to recruit. They decided, as there was provision for the police force to reflect population percentages according to tribe, to recruit mostly from the Kikuyu tribe.

The Speaker (Mr. Slade): The purpose of an Adjournment Motion is mainly to hear in a short time what the Government has to say in answer to a particular point raised. If hon. Members will not listen to the answer the whole point is lost. I would ask the Opposition to keep quiet.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): As I was saying, Mr. Speaker, the police decided to recruit mainly from the Kikuyu, in order to bring up the numbers of the Kikuyu in the police force, because it is the policy that the force in this country should become more and more national. I will give the figures so that people know the facts—Mr. Speaker, I know that the idea is to upset me so that they can take advantage of me, but the position is that in Nairobi, despite what the hon. Proposer has said, they only recruited eight people, in Kiambu they recruited fifty-three, in Fort Hall, sixty, and in Nyeri, seventy-nine. Now, these recruitment figures would seem to imply that only the Kikuyu were preferred in the police force, but, as a matter of fact, the tribal figures show differently. The Kikuyu, the Luo and the Kisii are grossly under-represented within the police force.

The Speaker (Mr. Slade): If any hon. Member now interrupts Dr. Waiyaki at all, I will send that Member out.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): It is the intention—

An hon. Member: A point of order, Sir. Is it in order for the hon. Member to be irrelevant. The question was whether Kanu Youth Wingers would be accepted into the police and the army?

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The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, what I am saying is quite relevant if they would only let one speaker speak. The recruitment policy of this Government does not go according to party, but as you people are riddled with the idea that if you belong to a certain tribe, then you must be in this or that party, I will try to explain to you how this has been worked out. You are, in fact, yourselves revealing so much concern for your little areas that you will not let someone explain this to you.

The Speaker (Mr. Slade): Dr. Waiyaki, will you please address the Chair.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): I am sorry, but it does get a little difficult.

Now, the principle, therefore, involved in the recruitment to the police at the moment is like this. Since the figures are such as to show that there is a preponderance of the Wakamba, the Nandi and the Kipsigis—the Wakamba, for example, despite the fact that they are mostly Kanu are being left out—in many cases people from other areas will be taken into the force as opposed to those who are within the Kanu party. So, it is not the policy of this Government to take into the police force, or the army for that matter, members of a particular party. It only happens that in the particular area of Central Region almost all the people in that Region are Kanu and, therefore, it is of no harm for the Prime Minister to have said that they were going to recruit Kanu Youth Wing—

(Interruption from Mr. Shikuku and Mr. Masinde)

The Speaker (Mr. Slade): Order, order, Mr. Shikuku, you will leave the Chamber. Did you interrupt, Mr. Masinde?

Mr. Masinde: Yes, Sir.

The Speaker (Mr. Slade): Then will you also leave the Chamber, please.

(The hon. Mr. Shikuku and the hon. Mr. Masinde withdrew)

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): As I was saying, Mr. Speaker, the figures and the statement made by the Prime Minister were in reference to the Kanu Youth Wingers in the area that the recruitment was referring to and, at that time, it meant Nairobi, Kiambu, Fort Hall and Nyeri. As such, there can be no grounds for accusing this Government of trying to recruit from a particular party. The figures are here and if I had had time I would have read them to show

[The Parliamentary Secretary for Internal Security and Defence]

that, in fact, those who are clamouring most against the Government actually have been most represented in the police force, despite the fact that their population figures are so low. They show that they have very large numbers in the force. For example, the population percentage of the Nandi is only 2.8 per cent—

(Interruption from Mr. Seroney)

The Speaker (Mr. Slade). Order, order. Mr. Seroney, will you leave the Chamber.

(The hon. Mr. Seroney withdraws)

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki). The Nandi tribal police force is 7.8 as opposed to their percentage, as a tribe, in the Kenya population.

Now, Mr. Speaker, I have explained quite clearly that this Government is not going to recruit into the army or into the police according to party, we do not even know who in the present force, police force or army, belong to this or to that party. If you will remember in the *Sunday Nation* of last week, when soldiers were being addressed in Garissa, photos were taken there and the soldiers gave both the Kanu and the Kadu sign, and we are not working against anybody within the armed forces who is not a member of our party. I have tried to explain, but I have seen that, in fact, what they were really concerned about—that is those who have raised this point—was their own tribe and not their party affiliation. That I have gleaned from the interjections from the opposite benches and from behind me.

The Speaker (Mr. Slade). I think you are out of order to say that, Dr. Waiyaki. There was no suggestion of anything of the sort from the Opposition Benches.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki). Well, I will withdraw that if you wish, Sir.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo). Mr. Speaker, Sir, the reason why I stand is that the announcement that was made specifically by the Government was that recruitment was going to take place in every district and that every district was going to give 45 youths to join the police force. Now, here we have a junior Minister, my own colleague, giving that statement with different

figures for different districts. Sir, I am very sure that that definitely changes the policy of everything, which was behind the Government announcement. The percentages which have been given were not the fault of these individuals who joined the police during that time. If a tribe has many people in the police force, it is because they wanted to join the police force at that time. I do not see why now, at this time, we should try—
(Applause)

I hear many Members agreeing, and indeed, it is a very serious thing. If these statements are going to appear in the Press tomorrow, we people on this side of the Government are going to be faced with a difficult position as far as our constituents are concerned. We are going to be faced, as people supporting the Government which is recruiting people now, with intentions which were not there before because, of these other tribes joining.

Sir, I do not want to bring recruitment into the military forces into this, because it does not come in the question. I think the junior Minister tried to avoid it, but as far as the police are concerned, the tribes which are now represented in the police force, took that chance at that time and they should not be penalized for it. If other tribes should not be favoured now, and be dragged into the force, Sir, I do not know why these particular tribes had a different attitude at that time, and the reason which has now changed the minds of these tribes with regard to these forces.

I am sorry I have had to say this as a Member of the Government, but the statement my own colleague, the junior Minister, has made is going to bring a lot of feeling from people outside who belong to other tribes and who support this Government.

With these few words, I feel very strongly that it is unfortunate for that statement to be made in this House.

ADJOURNMENT

The Speaker (Mr. Slade). We have now had half an hour for this discussion. The House is therefore adjourned until tomorrow, Thursday, 27th February, at 2.30 p.m.

The House rose at twenty minutes past Seven o'clock.

Thursday, 27th February 1964

The House met at thirty minutes past Two o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

NOTICES OF MOTIONS

ASSISTANCE FOR SUFFERERS IN EMERGENCY

Mr. J. M. Karuki: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House, being aware of the difficulties facing those who became orphans or widows or who were disabled by activities arising from the eight years of the state of emergency, urges the Government to take suitable measures to assist these persons with jobs and other facilities.

ATHI RIVER: IRRIGATION AT MACHAKOS

Mr. Malinda: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House, being aware of the acute state of constant drought in the Machakos District, urges the Government to explore with the aim of implementing the possibilities of irrigating the River Athi to more especially those locations of the district which border on the Athi River.

Mr. Okwanyo: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

COUNTRY-WIDE VILLAGIZATION

THAT this House urges the Government to explore the possibility of developing a country-wide scheme of villagization for assembling the people into workable economic units on the lines of those already established in the Central Area.

NATIONALIZATION OF MINES

THAT this House urges the Government to take steps to nationalize all mines in Kenya as soon as possible.

Mr. Ole Tipis: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

CATTLE RAID: COMPENSATION TO MASAI

THAT this House views with great concern the incident that took place on the 12th January 1964 at Saigeri in Kajjado District and urges the Government to pay compensation to the Masai who lost their cattle during the raid by the Kikuyu.

Mr. Wamuthenya: Mr. Speaker, I beg to give notice of the following Motion:—

INTRODUCTION OF HIGHER EDUCATION PROGRAMME

THAT this House urges the Government to take immediate steps to introduce a programme of higher education for the innumerable children deprived of the opportunity of pursuing their studies on account of the lack of facilities and accommodation.

ORAL ANSWERS TO QUESTIONS

Question No. 39

MACHAKOS-KITUI ROAD: TARMAC

Mr. Mutiso asked the Minister for Works, Communications and Power if, in view of the fact that Machakos and Kitui towns were the only two big centres within these two districts, the Minister would tell the House the reason why the Machakos-Kitui road had not been tarmaced and whether he had such plans of tarmacing it.

The Parliamentary Secretary for Works, Communications and Powers (Mr. Nyagah): Mr. Speaker, Sir, on behalf of my Minister, I beg to give the following reply.

Mr. Omar: On a point of order, Mr. Speaker, is it in order for a junior Minister to reply to a question when the Minister himself is present?

The Speaker (Mr. Slade): It is in order.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): The Machakos-Kitui road, like all other secondary roads, is now the responsibility of the hon. Member's region and not of the Central Government. In any future road development each region will be required to draw up its own priorities, then the Central Government would negotiate the loans with outside agencies. In this case I suggest that the hon. Member ask the Eastern Regional Assembly to give this road top priority in their next development plan. If and when they submit the plan to the Central Government, it will be considered.

Mr. Mutiso: Mr. Speaker, is the Minister aware that in the whole Ukambani District we only have Kitui and Machakos as the main centres and, as such, though this road is classified as a secondary road, we think that the Government should give priority in classifying that road as one of the important roads that should be tarmaced by the Central Government?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, like all secondary roads, this particular road is the responsibility of the region, according to the Constitution.

Question No. 42

TELEPHONE SYSTEM, KITUI DISTRICT

Mr. Mutiso asked the Minister for Works, Communications and Power if the Minister was aware that in the whole of the Kitui District there was not a single telephone? If the answer was in the affirmative, would the Minister assure the House that he would have urgent representations made to the appropriate authority for the construction of an adequate telephone system in the district immediately?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply, I am aware of the fact that there is no telephone service in the Kitui District and negotiations are already in hand with the East African Posts and Telecommunications Administration, who are actively considering the provision of a telephone exchange at Kitui.

The main difficulty confronting the E.A.P. & T. is the high cost of constructing a physical overhead route from Machakos, the nearest existing telephone route, to Kitui, the provision of a switchboard and the necessary local cable distribution. The cost of construction of a route from Machakos is estimated at £12,000 and the cost of local cable distribution, etc., at about £1,750. At the moment the E.A.P. & T. have only received applications for telephone service from 17 people and the cost of constructing and maintaining such a route, etc., is likely to exceed considerably the revenue to be derived from the number of subscribers and must be regarded as prohibitive.

The E.A.P. & T. have, however, been considering alternative methods for linking Kitui with Machakos and there is a possibility of providing a radio link, via a proposed radio repeater station in the Mwa Hills, to a parent exchange at Machakos or Nairobi. Such a system would be cheaper to provide, but even that would cost approximately £3,000. The cost of provision of a switchboard and the local cable distribution would again be approximately £1,750.

Mr. Mutiso: Arising from the Minister's reply, could he tell the House how soon the negotiations he has already mentioned, concerning the establishment of a switch-board at Kitui, are likely to be put into operation?

The Minister for Works, Communications and Power (Mr. Mwanjumba): When money is available.

Mr. Malinda: Does the Minister base his argument for this telephone exchange on the number of applications so far received, or would he assure this House that he has actually explored the possibility of more applications for telephones in Kitui?

The Minister for Works, Communications and Power (Mr. Mwanjumba): As I have said, we have already explored the possibility of introducing a telephone exchange in Kitui. When money is available we shall provide this service although the number of subscribers is not sufficient to warrant the service.

The Speaker (Mr. Slade): I think I must point out that the answer required by Mr. Malinda's question is whether the construction of the telephone exchange depends on the number of applications already received or the number that might be made.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, I said the number of applications received was only 17, but despite receiving only these few applications we are already going ahead to find a way by which we can introduce a telephone service when money is available.

Question No. 49

HOUSING FOR MEMBERS OF PARLIAMENT: NAIROBI

Mr. Ngala-Abok asked the Minister for Health and Housing if the Minister could tell the House what his Ministry was doing to find housing accommodation for Members of Parliament through Nairobi City Council or otherwise.

The Minister for Health and Housing (Dr. Mungai): My Ministry does not deal with housing for individuals; it arranges finances through loans for low-income housing through the local governments.

However, if Members are having difficulty in obtaining accommodation when attending sessions of the House, I would suggest that a committee of the House be set up to examine the position and make recommendations to the City Council.

Mr. Gitchoya: Mr. Speaker, arising from the Minister's reply, are we being made to understand that the portfolio of housing applies to the Ministry of Commerce and Industry?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I just deal with housing and my reply has already been given.

Question No. 52

CENTRAL NYANZA HOSPITAL AND DISPENSARIES: CARE OF THE SICK

Mr. Odera-Sar asked the Minister for Health and Housing if the Minister was aware that the seriously sick had to pay fees before they can receive attention at the Central Nyanza Hospital, Health Centres and Dispensaries.

The Minister for Health and Housing (Dr. Mungai): In urgent and serious cases, medical attention is given first and arrangements made to collect the fees later; this is for seriously sick patients. However, in general, the fee is collected before the patient is admitted. The Medical Officer in charge there has the discretion to waive fees where inability to pay is proven.

I am not aware that any seriously sick persons have been refused medical attention on the grounds that they have no fees at the time of reporting, either to the hospital, Central Nyanza, health centres or dispensaries. If this has been the case, I would like it reported so that I can instruct those people responsible—those people who are working there—that it should not be done again. At the same time, I would like to point out that the health centres and the dispensaries are the responsibility of the regions and if this is being done in the health centres I will, equally, instruct the regions to see about it. This should make it possible for the sick to be treated before they pay the fees.

Mr. Mutiso: Mr. Speaker, arising from the Minister's reply, is the Minister prepared to accept that certain cases have been dismissed from hospitals when they were, in fact, on the point of death? This has been done because the patients did not have fees at that particular time and were not well enough to go to their homes to collect the fees before going to hospital.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, I would like the Member to substantiate that, and I would like to tell him that we will take this very seriously if it has happened.

Mr. Anyieni: Mr. Speaker, arising from the Minister's reply, so that we know that some people will not be sent away because they have no money, can we be given an assurance that the Government will send directions to all those

hospitals and dispensaries not to turn away people because they cannot pay?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, I said that the Medical Officers in charge do this at their own discretion and usually they know their work. However, if a mistake like that has been committed I would like it substantiated and I would like to be informed of it so that I could deal with it.

Mr. Khasakhala: Mr. Speaker, in most hospitals we have hospital assistants; could the Minister assure the House that medical officers consider these cases immediately they come to the hospitals?

The Minister for Health and Housing (Dr. Mungai): Hospital assistants are usually under the supervision of a medical officer.

The Speaker (Mr. Slade): That is outside the question anyhow.

Question No. 53

SPECIAL OF SECONDARY SCHOOLS: MERU

Mr. Nyaga asked the Minister for Education if the Minister was aware that in South Meru Constituency, with a population of 25,000 people, there was only one Secondary School and if he could inform the House when this shortage of Secondary Schools would be rectified.

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply. Yes, Sir, but it will be appreciated that qualified Secondary School candidates from South Meru Primary/Intermediate Schools are eligible for admission not only to the singletream school at Chogoria but also to other schools in the Meru County Council area and elsewhere in the Eastern Region as well as to national schools. Apart from the national schools, the provision of Secondary School facilities is a regional responsibility. The regional authority is planning to establish some six new Forms I in 1964, of which four are expected to be in Meru County, but final decisions as regards the actual siting of these four schools have not yet been taken by the Regional Education Committee.

Mr. Nyaga: Mr. Speaker, does the junior Minister imply that a secondary school is to be put in a—

An hon. Member: Street.

Mr. Nyaga: You can bet on that, but by the regional authorities or by the Central Government?

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker, Sir, I think the hon. Member will agree with me that according to the Constitution, secondary schools, except the national secondary schools, come under the Regional Assembly. I would like to add, Mr. Speaker, that many of the Government services are not based on a constituency basis, but on regional and county areas. I have already answered the other part.

Mr. J. M. Karinki: Mr. Speaker, arising from the Parliamentary Secretary's reply, is it the policy of the Government when secondary schools which do not lie within the Central Government's power are going down in standard there is no provision whereby the Central Government can take over such secondary school and make it a Central Government responsibility?

The Parliamentary Secretary for Education (Mr. Kaggia): That is a different question, Mr. Speaker.

Mr. Nyaga: Mr. Speaker, does the County Council or the Regional Assembly decide on educational policy for the area? Is it in order for the junior Minister not to have answered my question?

The Speaker (Mr. Slade): You cannot blame the Parliamentary Secretary for not answering your question if he finds it too difficult to understand your question. We will now call for Question No. 57.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Speaker, I think there is some confusion about the question. We have had a reply to Question No. 53, and the next question is No. 54, which is another question by the hon. Member from Meru South.

The Speaker (Mr. Slade): Yes, I am sorry, Mr. Nyaga.

Question No. 54

HEALTH CLINICS: MERU

Mr. Nyaga asked the Minister for Health and Housing whether he was aware that South Meru Constituency with 25,000 inhabitants had only one health centre, situated far in the South, and that this was not adequate to serve such a densely populated area.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. I am aware that South Meru Constituency has only one health centre for the 25,000 inhabitants. However, I would like to point out to the hon. Member from the South Meru Constituency that in Kenya there are about 140-150 health centres to serve about nine million people. We therefore have about one health centre serving 60,000 people, and, therefore, there are other areas which really need more health centres than South Meru Constituency. I also understand that the Meru County Council have plans for building a health centre in a place called Magutuni in Mwirimbi this year, and another health subcentre in the area will be upgraded to become a full health centre.

Mr. Matano: Arising from the Minister's reply, it shows there is shortage of health centres in the country. What is the Minister doing about it?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, that has nothing to do with South Meru Constituency, but we are doing everything we can to encourage the local council and the regional authorities to build more health centres, and with the funds we have we are going to encourage them and give them some money so that they can have more health centres in the country. We are aiming at many more health centres in Kenya.

Mr. Nyaga: Mr. Speaker, does the Minister reply that a health centre is 100 per cent that way for two five double zero?

The Minister for Health and Housing (Dr. Mungai): I do not think that question requires a reply from me.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, would it not be good at this stage to ask the Minister for Information to bring in the television camera?

The Speaker (Mr. Slade): On a point of order.

Mr. Rurumban: Could I seek your guidance as to your power in this House as to control unseemly behaviour of any Member of this House?

The Speaker (Mr. Slade): I have power and the House has power to discipline hon. Members who do not observe our Standing Orders or who behave in a disorderly manner. Outside those rules, hon. Members can behave with considerable liberty according to their own idiosyncrasies.

Mr. Towett: On a point of order, is it in order for the Member for Meru South to ask his supplementary question in Swahili? He does not seem able to ask them in English.

Question No. 57

NEED FOR MORE SCHOOL CERTIFICATE STUDENTS

Mr. Makone asked the Minister for Education, whether, in view of the fact that the country needed more School Certificate students for both overseas and local employment, the Minister would utilize his resources for this purpose rather than use the money on teachers for training the very limited number of Higher School Certificate students?

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply. No, Sir. The country also has a pressing need for men and women graduates, who can fill the top administrative, commercial, industrial and professional positions in future. These graduates will obtain their degrees either at the University of East Africa or in many instances abroad. In either case the possession of a High School Certificate, or equivalent qualification such as the General Certificate of Education at advanced level, is a valuable and frequently essential requirement for university admission, particularly as regards honours degree courses. My Ministry does not, of course, devote its resources solely to establishing Higher School Certificate classes; its development planning envisages a systematic expansion both of School Certificate and Higher School Certificate facilities, in relation to the estimated needs of the country and to the numbers of potential candidates coming forward.

Mr. Makone: Mr. Speaker, Sir, can the Parliamentary Secretary give the figures of the students who began their School Certificate and those who left before they completed the course, and the failures of this year?

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker, I do not think this is relevant to the question.

The Speaker (Mr. Slade): No, I do not think it is.

Question No. 58

FREE MEDICAL TREATMENT: NATIONAL ASSEMBLY MEMBERS

Mr. Makone asked the Minister for Health and Housing, whether the Minister would press the Government to extend to Members of Parliament free medical treatment on the same lines as that provided to Government officers?

The Minister for Health and Housing (Dr. Mungai): Speaker, Sir, I beg to reply.

Free medical attention given to Government officers is specifically part of the terms and conditions of service given by Government on employment and is distinct from medical attention to the general public who are required to pay an attendance or admission fee to Government hospital, dispensaries, etc. Such terms have not been included for elected Members.

Mr. Matano: Mr. Speaker, Sir, from the Minister's reply, do I understand that the Ministers are not elected Members?

The Minister for Health and Housing (Dr. Mungai): Sir, as elected Members, the Ministers have other things to do. They are employed by this Government and work as such.

Mr. Shikuku: Arising from the Minister's reply, is the Minister aware that his own Government promised free medical services?

The Minister for Health and Housing (Dr. Mungai): I am aware of that, Sir.

Mr. Gachogo: Mr. Speaker, Sir, would the Minister tell the House who are in a better economic position, the ordinary Members, or the Ministers and top Civil Servants?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, elected Members are not the only people we are concerned with. There are many people, about nine million other people, who the Government have to consider when providing medical services.

An hon. Member: Answer the question.

The Minister for Health and Housing (Dr. Mungai): I am answering it my way. The Government has to consider providing medical services for these other people, even if they are poorer than the Members of Parliament. May be, and this has nothing to do with the question, some Ministers may have more money than elected Members, but I do not know the earnings of the other elected Members. Perhaps the Income Tax Department will be able to tell us that.

Mr. ole Tiplis: Mr. Speaker, Sir, could the hon. Minister please clarify the position? He said that the elected Members of this House are not entitled to free medical treatment, whereas the elected Ministers, the political Ministers, are entitled to it. Let him draw a line somewhere. We are all elected.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I have answered that question, that Ministers serve a dual purpose in this Government. They are employees of the Government and are also elected Members.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Minister tell us whether the Members—the Members employed by the Government, because he was referring to Ministers employed by the Government—who are back-benchers and supporting the Government, are not carrying out the policy of the Government which entitles them to medical services?

The Minister for Health and Housing (Dr. Mungai): Those who support the Government and those who oppose it are all elected Members, but they are not employees of the Government.

Mr. Pandya: Mr. Speaker, Sir, will the Minister answer the question? The question is, is the Minister prepared to press the Government to extend the facilities that are enjoyed by himself and his colleagues to the hon. Members, and not dilly-dally about it?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, what I am trying to do is get free medical facilities for everybody, including the elected Members and the non-Members and those who elected them, when this country can afford it.

Mr. Omar: Mr. Speaker, Sir, do we understand that the Government's policy of free medical services was meant for Ministers only and not for the whole country?

The Minister for Health and Housing (Dr. Mungai): No, Sir, I think the question here was covered by my last answer.

The Speaker (Mr. Slade): Hon. Members will get no further with the Minister on this question today.

Question No. 50

COMMON KENYA-UGANDA BUS STATION

Mr. Odero-Sar asked the Minister for Works, Communications and Power if the Government would make representations to the Uganda Government to establish a common Kenya-Uganda bus station at Busia for the convenience of the many travellers who at present had to go long distances to make their connexion?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. There are two established bus stations at Busia, one in Uganda and one in Kenya. The distance between these two stations is approximately one hundred yards. The station in Uganda serves a Uganda through service, whereas the station on the Kenya side serves a Kenya bus

service and is a destination. I understand that the Kenya bus service which operates to Busia wishes to continue on into Uganda. Busia being a Customs and immigration check-point, my Ministry is looking into the matter more closely and at the same time consulting the Government of Uganda with the view of making recommendations whether, or not the two bus stations can be abolished and replaced by a common station.

Mr. Odero-Sar: Mr. Speaker, Sir, I would like to answer the Minister—

The Speaker (Mr. Slade): Are you assuring the Minister or do you want to ask a question?

Mr. Odero-Sar: I would like to know from the Minister whether he has been there to check whether it is just one hundred yards. I have been there and it is more than one mile.

The Speaker (Mr. Slade): Mr. Mwanjumba, are you answering the question?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, the information given to me is that it is about one hundred yards.

Mr. Kamunde: Mr. Speaker, Sir, do we understand by this question that it is the Government which controls bus stops? I know for certain, Mr. Speaker, that buses in my area stop where they wish. Do I understand by this question that it is the Government which controls the bus-stops?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I was asked whether we were taking any steps about this station. We said we could encourage bus services to have one bus-stop to serve both the countries.

Mr. Ngala-Abok: Mr. Speaker, Sir, is the Minister aware that the station—arising from his original reply—is on the Uganda side, and that, in fact, he is now talking on behalf of the Uganda Government?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, there are two bus stations. I am not talking on behalf of the Uganda Government.

Mr. Anyien: Mr. Speaker, Sir, on a point of order, we would like your ruling. Does the Ministry of Works have direct control on the means of transport by buses?

The Speaker (Mr. Slade): That is not a matter on which I can rule. But it is a question which the Minister may be able to answer.

The Minister for Works, Communications and Power (Mr. Mwanjumba): As far as my Ministry is concerned, Mr. Speaker, we have to check licences, and so on. This is why we are interested in this particular point, because it is a station affecting two countries.

Question No. 60

FEE FOR AFRICAN LAND CASES ARBITRATORS

Mr. Odero-Sar asked the Minister for Justice and Constitutional Affairs whether the African Elders (Jodong-Gweng' or Wakuru) who arbitrate land cases which subsequently had to come before the African courts should not receive a monetary fee instead of being rewarded with food for the services they render to the public?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. It is an old established practice for African courts in Kenya to encourage disputants in land cases (where a customary form of land holding is followed) to try to compose their differences with the help of clan elders who have special knowledge of and interest in their clan land. These arbitration proceedings are not compulsory on the parties depending on the African courts. There are no recognized monetary fees payable for such arbitration proceedings, but each tribe has a recognized fee payable to the elders which is invariably either food or drink or both and which should be consumed at the meeting of the elders.

Mr. Khasakhala: Mr. Speaker, arising from the Minister's reply, does the Minister know that the Amazuru are used in these areas by the Administrative Chiefs in these cases, and what is he going to do about it?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I have said that these proceedings are not compulsory on either party and they are not binding on the African courts. Where a person, a disputant, is dissatisfied the way is still open for him to go to a court, and the Chief or administrative officers cannot make these proceedings compulsory.

Mr. Mutiso: Arising from the Minister's reply, is the Minister satisfied that the procedure used is in conformity with the development of Kenya today?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, this refers to proceedings in which both parties accept and recognize African customary land tenure systems. It does not refer to those who do not recognize

or operate under that system. To the extent that any case refers to African customary law and to the extent that it is within the proceedings recognized by a particular tribe or clan, I think it is the fairest way to handle the matter.

Mr. Shikuku: Arising from the Minister's reply, since it is a customary law, which the Government is aware of and which helps the Government to administer the law is it not essential that the Government should consider paying these people for the job they are doing?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the hon. Gentleman will realize that I have said they operate under African customary law and customary procedures and that customary law and procedure lays down the customary fee which these people ought to be paid and that customary fee is food or drink to be consumed on sight.

Mr. Malinda: Mr. Speaker, Sir, will the Minister tell this House whether decisions, reached by these elders, are not taken in the African courts when these cases come up for hearing.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I have said that the decisions are not binding on the African courts, but I cannot say that the proceedings may not figure in the further proceedings in the African courts. It is inevitable that some of these elders, and the proceedings that have taken place, may become the subject of evidence in the African courts. However, the decisions are not binding on the courts.

The Speaker (Mr. Slade): We are getting away from the question now, which I think we have exhausted.

Question No. 63

LOCAL AUTHORITIES FIRE AND AMBULANCE SERVICES: GRANTS

Mr. Komora asked the Minister for Local Government if the Ministry provided any grants to local authorities which run Fire and Ambulance Services? If not, why not and if so, what were the grants provided, for from July 1963 to June 1964?

The Parliamentary Secretary for Local Government (Mr. de Kockhlah): Mr. Speaker, Sir, on behalf of my Minister I beg to reply. The Ministry of Local Government does not provide grants to local authorities which run fire or ambulance services. Until 31st December 1963 the ambulance services of local authorities qualified for a 50 per

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cent health grant from this Ministry; Regional Assemblies are now responsible for the payment of grants to their local authorities.

Mr. Komora: Mr. Speaker, Sir, as local authorities fall under the Ministry of Local Government, is the Minister aware that the taxpayers' properties are therefore not adequately protected against fire?

The Parliamentary Secretary for Local Government (Mr. ole Konchellah): Mr. Speaker, Sir, I think there is no fire which has never been controlled in Kenya.

Mr. Nyaga: Mr. Speaker, Sir, does the Minister infer that there is no connexion between the Central Government and the

The Speaker (Mr. Slade): Are you asking a question? What is the question?

Mr. Nyaga: Does the Junior Minister imply

Mr. ole Oloitipiti: On a point of order, Mr. Speaker, is it in order for a Member just to stand up trying to ask questions if he does not have any?

The Speaker (Mr. Slade): Order, order! Mr. Nyaga, put your question and let us hear quite clearly what you are asking.

Mr. Nyaga: Mr. Speaker, Sir, does the Junior Minister imply that there is a barrier, a difference between the Central Government and the Regional Assembly, in that they know nothing about each others' business?

The Parliamentary Secretary for Local Government (Mr. ole Konchellah): Mr. Speaker, Sir, I would like to draw the attention of the hon. Member to the matter of understanding the local authorities and also ask him to read more about the Constitution.

NOTICE OF MOTION FOR THE ADJOURNMENT**FREE MEDICAL ATTENTION FOR NATIONAL ASSEMBLY MEMBERS**

Mr. Makone: On a point of order, Mr. Speaker, I seek your ruling on this. In view of the fact that the Minister for Health and Housing did not answer my Question No. 58 satisfactorily, am I allowed to give a Notice of Motion on the adjournment?

The Speaker (Mr. Slade): Yes, you can give notice of your wish to raise this on an adjournment, but it is a question of finding time for it. I will take this as notice of your wish, and allot time if and when it can be found. We have only two evenings every week for these discussions on an adjournment, and we may only sit one or two days next week, and there are other notices already ahead of yours; but I will take note of it.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): On a point of order, Mr. Speaker, Sir, I would like to have your guidance on this. When the hon. Member asked this question, he was given a very comprehensive reply and there were subsidiaries also. Was it not proper, if he had intended to give notice of an Adjournment Motion, for him to give it at that time?

The Speaker (Mr. Slade): Order, order, I answer one point of order before hon. Members rise on other points.

It is in order for hon. Members to say at any time that they wish to raise a matter on an adjournment, whether it arises out of an unsatisfactory answer to a question or not.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): So, Mr. Speaker, then, if I am given an unsatisfactory answer today, I can take extra liberties and, after a week, come here and give my notice of Motion, and say that it was unsatisfactory?

The Speaker (Mr. Slade): No, you cannot do that.

Mr. arap Moi: Mr. Speaker, Sir, may I seek your guidance? This question affects many district hospitals, many health centres, which are the responsibility of the Regional Assemblies. Is it in order for the hon. Member to refer this matter to his own Regional Assembly, so that it can be settled by the appropriate authority, since some of the Regional Assemblies are trying to provide their own—

The Speaker (Mr. Slade): Order, order. When hon. Members rise on a point of order, others will stay silent.

I do not understand which question you are referring to, Mr. Moi.

Mr. arap Moi: Question 58.

The Speaker (Mr. Slade): That is about free treatment for Members of Parliament.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): But with respect, Sir, I do not agree that Question No. 58 has anything to

[The Minister for Justice and Constitutional Affairs]

do with the regions or with health centres. The hon. Member for Kitutu East specifically referred to the answer by the Minister for Health and Housing and Question No. 57 deals with the Ministry of Education and not Health and Housing.

Mr. arap Moi: Then I withdraw my point of order.

Mr. Ngala-Abok: Mr. Speaker, according to Standing Orders, how quickly should the Speaker act against a Member who is apparently drunk or apparently reducing the dignity of the House because of his activities in the House?

The Speaker (Mr. Slade): If, in spite of a Member having managed to remain in the chamber in an intoxicated condition through no breach of Standing Orders, hon. Members are dissatisfied with his conduct, it is up to them to tell him so afterwards.

An hon. Member: On a point of order, Mr. Speaker, the Member is drunk.

The Speaker (Mr. Slade): The Speaker is not the least concerned whether someone is drunk or not drunk, as long as he behaves himself.

Mr. Matano: do you want to ask a question on behalf of Mr. Ngala?

Question No. 45**BOYCOTT OF SOUTH AFRICAN GOODS**

Mr. Matano, on behalf of Mr. Ngala, asked the Minister for Commerce and Industry:—

(a) to give the names of the big Kenya industries that had been affected by Kenya's boycott of South African goods;

(b) to specify the type of goods and the annual quantity each industry had been—

(i) buying from South Africa; and

(ii) selling to South Africa; and

(c) what alternative arrangements Government was making to assist such industries to carry on their production at the same or increased level?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. The industries principally affected by the boycott of South Africa are the British Standard Portland Cement Company and the Magadi Soda Company. Additionally, several other companies acted as importers of South African goods, such as foodstuffs, but the volume of their individual imports was relatively small.

The British Standard Portland Cement Company imports approximately 40,000 tons of anthracite per annum from South Africa, and the Magadi Soda Company has been exporting approximately 45,000 tons of soda ash to South Africa per annum.

The Government has been fully alive to the need for these companies to find alternative sources of supply in the one case and alternative markets in the other, wherever Government to Government action is appropriate.

In the case of anthracite, alternative sources are available through normal commercial channels, but unfortunately only at a considerably enhanced price aggravated by the currently high world shipping freight rates.

In the case of soda ash, active steps continue to be taken towards the opening of new markets where these are denied to us by measures taken by the Governments concerned.

Mr. Matano: Mr. Speaker, Sir, I wonder whether the Minister would be able to explain this in terms of pounds, shillings and pence instead of tonnage.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, I would be glad to do so, although the question asks me for the companies affected. The total direct import from South Africa for all trade with South Africa in 1962 was £3,266,000, and in 1963 it was £2,366,000. Domestic exports to South Africa in the same year was £1,103,000; that is money in pounds, not in weight. In 1963, from January to November it was £1,848,000. As far as the particular companies are concerned, the amount we received from South Africa for selling soda ash to them was about £540,000 last year, and the anthracite cost the company in Kenya £240,000.

Mr. Balala: Mr. Speaker, Sir, would the Minister inform this House when will the period extended to traders to clear their goods expire?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, I did not quite catch the question.

Mr. Balala: May I know when will the period extended to traders to clear the South African goods expire?

The Minister for Commerce and Industry (Dr. Kiano): I am not aware of extending any period at all for trading with South Africa. We brought down the ban on the 12th December 1962.

Mr. Balala: Arising from the reply by the Minister, would he inform this House what measures the Government is taking to ensure that South African goods are not marketed in Kenya?

The Minister for Commerce and Industry (Dr. Kioko): It is true that when we issued the ban there were some items already paid for by various companies in the shops in this country, and others were already on the way. We have already informed all those shopkeepers to clear their shelves within a reasonable period, we have not set down any law for this so long as we can be satisfied that no order has been made after the ban was issued. It is, of course, to include all the stocks of wine which has also been ordered and which has not been drunk as yet. So long as the shopkeepers can prove that their stocks were not ordered after the imposition of the ban it is difficult to prosecute the particular person. However, I do ask the shopkeepers to get rid of the items as soon as possible.

Mr. Kamunde: Could the Minister tell the House what effect has this ban had on prices of commodities which were primarily exported from Kenya to South Africa?

The Minister for Commerce and Industry (Dr. Kioko): Mr. Speaker, I pointed out that the export from Kenya to South Africa was soda ash and iron ore. Soda ash, I understand, it has not had any particular effect.

Mr. ole Tropic: Can the hon. Minister tell us the average production of soda ash by the Magadi Soda Company prior to the boycott and the present production since the introduction of the boycott?

The Minister for Commerce and Industry (Dr. Kioko): The main issue is not so much a question of production because we can produce as much as we wish from the deposits we have. The point is that it is true that the soda ash company now is operating at approximately—from their information to me—one-fourth of what they could do when they are operating at full capacity. However, they do say that this is not only due to the boycott but to other factors as well.

Mr. arap Moi: Arising from the Minister's previous reply, could he tell the House whether medicines sold by South Africa are also banned?

The Minister for Commerce and Industry (Dr. Kioko): It depends, I have not thought of that.

Mr. Mutiso: Mr. Speaker, Sir, arising from the Minister's reply, does he imply that the Government has not given a deadline for the banning of South African goods to be sold in Kenya?

The Speaker (Mr. Slade): He has already answered that question. We have had enough of supplementary questions now. I would remind hon. Members that on the adjournment today Mr. Wamuthenya is to raise the matter of compensation for eleven shops at Karatina which were demolished in 1961.

MOTION

SESSIONAL COMMITTEE: APPOINTMENT OF

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to move:—

That this House nominates the following Members to be Members of the Sessional Committee for this Session:—

The Minister of State, Prime Minister's Office (Chairman)

The Hon. I. R. S. De Souza

The Minister for Home Affairs

The Minister for Commerce and Industry

The Minister for Health and Housing

The Minister for Information, Broadcasting and Tourism

The Hon. C. O. Sing'oro

The Hon. R. S. Matano

The Hon. S. S. ole Otiotipitip

The Hon. Otagallo Godana

The Hon. B. M. Kaggia

The Hon. J. D. Kali

The Hon. D. T. arap Moi

The Hon. M. Kibaki

The Hon. J. N. L. ole Konchellah

The Hon. A. J. Pandya

The Hon. M. Muliro

The Hon. P. J. Ngei

The Hon. J. M. Nyagah

The Hon. Okelo-Odongo

The Hon. J. K. Ndile

As the Motion is self-explanatory, I do not propose to say anything on it. Sir, I beg to move

The Minister for Justice and Constitutional Affairs (Mr. Mboya) seconded.

(Question proposed)

(The question was put and carried)

MOTION

LIMITATION OF DEBATE: PRIVATE MEMBERS' AND FREELANCE MOTIONS

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to move:—

That debate on Private Members' Motions should be limited in the following manner:—

(a) A maximum of two hours for Opposition Party and Government Members' Motions, with not more than thirty minutes for the Mover, thirty minutes for the Government Official Responder and ten minutes for each other Member speaking, and that fifteen minutes before the time for expiry the Mover be called upon to reply.

(b) A maximum of one and a half hours for "free-lance" Motions (i.e. not sponsored by the parties), with not more than twenty minutes for the Mover, twenty minutes for the Government Official Responder and ten minutes for each other Member speaking; and that ten minutes before the time for expiry the Mover be called upon to reply.

The Mr. Speaker, is in accordance with the practice of the last Session and, therefore, I beg to move.

The Minister for Justice and Constitutional Affairs (Mr. Mboya) seconded.

(Question proposed)

(The question was put and carried)

MOTION

NATIONALIZATION OF NYALIA AND MTWAPA BRIDGES

The Speaker (Mr. Slade): As Mr. Ngala is not here today, I believe, we will move on to the next order.

Before I allow you to start with your Motion, Mr. Shikuku, I must inform hon. Members that we allow the first two hours this afternoon for Opposition Motions, whether they be this or any other, which means that at five and twenty minutes to six o'clock we will move on to freelance Motions.

MOTION

APPOINTMENT TO THE CIVIL SERVICE

Mr. Shikuku: Mr. Speaker, Sir, I beg to move:—

That this House, being aware of the need for the spirit of Harambee and of the necessity

of translating it into practical terms, is deeply concerned with the tribalistic tendency of appointments in the Kenya Civil Service and calls upon the Government to appoint an Independent Commission of Inquiry to investigate and report on why—

and here I think, Mr. Speaker, I should say, instead of "Abaluhya" "all other communities are not being promoted in the Service." Could that be allowed? I want to put "all other communities" in and strike off "Abaluhya" and "tribes".

The Speaker (Mr. Slade): Order, order. I want to hear how the Motion reads.

Mr. Shikuku: I want to delete the word, "Abaluhya" and the word "tribes" so that it will read, "—on why all other communities are not being promoted to the Service."

The Speaker (Mr. Slade): I must point out to you, Mr. Shikuku, that that does not make sense because it does not relate the word "other" to anything at all.

Order, order. I will not be interrupted when I am trying to get this Motion clear.

Mr. Shikuku: It should read "all communities"

The Speaker (Mr. Slade): "—on why all communities are not being promoted in the Service."

Mr. Shikuku: Yes.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Speaker, I do not wish to interrupt you, but do we understand that amendment proposed would, in effect, mean the last two lines would read, "—and report on why all other communities are not being promoted in the Service.?"

The Speaker (Mr. Slade): No, it now reads, "—and report on why all communities are not being promoted in the Service."

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Could I seek your guidance, Sir, because Government is expected to reply to this and we would like to clear in our minds what the Motion means. With that amendment the Motion does not mean anything to us; "all communities" refers to all people and that implies that nobody has been appointed at all.

The Speaker (Mr. Slade): As it is now amended the Motion is capable of meaning something. It means that not all communities are receiving promotion. However, no doubt Mr. Shikuku's meaning will become clearer as he

[Mr. Seroney]

moves the Motion, and if hon. Members think they can improve on the Motion it is up to them to move an amendment.

An hon. Member: In the third line of the Motion the hon. Member says that he is "deeply concerned with the tribalistic tendency".

The Speaker (Mr. Slade): I know that a lot of hon. Members can see a number of ways of improving this Motion, but it is Mr. Shikuku's Motion and hon. Members think they can improve on it if they can, as I say, move an amendment.

Mr. Shikuku: Mr. Speaker, I think that the other hon. Members are finding this very difficult because they cannot get it right. If this is the case I will not confine myself seriously to the question of the Abaluhya as such, but will talk about all other people whom I feel have not been included in or promoted to the Civil Service.

Mr. Speaker, before I move on I would like to say that I feel that this is a very, very important, serious and delicate Motion. We have all worked for the achievement of *Uhuru* for this country and equally the people who are represented here look forward to acquiring the benefits of that *Uhuru* in every sense. Immediately the people should get from *Uhuru* I do not think the Government will be as happy. Therefore, I feel that during the debate on this Motion each and every Member—including myself—should refrain from speaking from an emotional point of view and should not try and make things look bigger and worse than they are. The hon. Members should confine themselves to facts.

Mr. Speaker, we are now a new nation and, therefore, we have people who have become citizens of this country and who look forward to sharing responsibility and the benefits of this country. We must think nationally rather than tribalistically.

I think some people are being promoted in the Civil Service not because they have ability and merit but because they happen to belong to the Luo or Kikuyu tribes. The Government must, however, be prepared to face facts. As far as I am concerned, promotions in the Civil Service have not been made fairly so far. I thought—and I hope it is true that it was the policy of the Government to base appointments to the Civil Service on the country's needs. Therefore, the persons employed in the Civil Service must be employed on the basis of suitability,

which is decided by qualifications and experience. I feel that because of the discrimination in the Civil Service against other people this is no longer the case; it is no longer the case that people are recruited, employed or promoted in the Civil Service on the basis of ability and experience.

It appears that there is a tendency, in the high political offices and also in the Civil Service, to take people on a tribalistic basis. I feel this House must consider this very seriously.

Mr. Speaker, I must make it known to this House that the people in this country can only support the present Government if that Government is going to look at things, not on a tribalistic basis, but on an ability basis. A few weeks ago we read the Prime Minister's announcement that some Africans had been promoted to the ranks of Permanent Secretaries whose names were published in the newspapers and announced over K.B.C. But to my surprise, Sir, I failed to find one of the names that had been published in the Official Gazette. This question was raised but we have had no answer up to today. Are we, to understand that this Government can make statements and when it is called upon to clarify such statements and say whether it was a mistake or not that they were published, it can just keep quiet about it? With all due respect to the Prime Minister who is not in today, but, Sir, he can make a statement saying that so-and-so was promoted. I would have thought that it would have been automatic that such a promotion should appear in the Official Gazette.

Many other names, which appeared in the Gazette, were also left out and were the names that appeared in the newspaper.

Mr. Speaker, there are many questions, if anyone wants substantiation, I am ready to give it when that time comes. I am ready with the figures to prove that the present Civil Service is actually run on a tribalistic basis, and we of other tribes are only being told to shout *Harambee, Harambee*. It was only yesterday, Mr. Speaker, when a responsible Parliamentary Secretary, for whom I have great respect, told this House that the recruitment of the police in this country is based on tribal proportions, and that some people were not going to be employed in the police forces because the Kikuyu, the Luo and I do not know who else, are going to be employed first. If this is the policy of the Government—that we are going to have certain tribes employed first, and others will have to wait, and at the same time we are asked to shout at the tops of our voices *Harambee*—then it is time the Government was told that your *Harambee* is really monstrous. The word *Harambee* is calculated to lull other people in this country into

[Mr. Shikuku]

thinking that everything is going smoothly, when in actual fact people are working underground to establish themselves on a tribal basis in the Government, under the cover of *Harambee* in big capital letters.

I am sorry, Mr. Speaker, to speak in this way, but it hurts me and hurts most of the people. I am, however, going to refrain from emotional speaking as I stated at the beginning of my speech. When I go to my constituency, I am asked, you tell us the Government exists, the Government is there for everybody, the Government is going to do everything for everybody. But when they read in papers they find that only one or two tribes which are being promoted at the expense of us. It must be made known to this House that we are not going to tolerate this sort of thing at all, because promotion of those people in the Civil Service should not be on a tribal basis but the whole Civil Service should reflect the whole country as such, and not one or two tribes. The other point I would like to know from the Government today is whether all other tribes besides Luo-Kikuyu in the Kenya Civil Service are so incompetent, or so stupid, that they are not worth being promoted, and if they are, why the Government does not sack them? Why should we go on employing people who are useless? If we are not told this today by the Minister concerned, then the only solution is for the Government to accept the appointment of an independent commission of inquiry which would, I hope, tell us the truth, so that the public in Kenya can know what is going on and also whether it is the policy of the Government to employ people on a tribal basis regardless of qualifications, ability and above all, experience. The people must know this, for we are not going to pay our money, or taxes just to keep one or two tribes in high positions. We are equally not prepared to be used as tools to pay taxes to profit one or two tribes only in Kenya.

An hon. Member: What tribes are those?

Mr. Shikuku: Someone is asking what tribes, but when it comes to that I will make this House feel hot when I go on quoting and proving my case. I hope all the Ministers are here, because if they want I can give them a breakdown, but they have run away as usual.

Mr. Speaker, it is absurd that, despite the fact that time and again we have advocated Kenya citizenship, no-one amongst those whom we already have as citizens of this country, have ever been promoted to a position of a permanent secretary, or under-secretary. Are we deceiving

these people? Are we sincere when we tell them that we are all Kenya citizens and that we are going to be treated equally? This is the question. If it is not so, is it not time that we stopped this situation or this slogan of Kenya citizenship? I do not see any reality when we talk at the tops of our voices about something and underneath we mean something very different.

Yesterday, Mr. Speaker, one of the reasonable and responsible Parliamentary Secretaries (to the Ministry of Defence), speaking on behalf of the Government, told the House that it was the Government's policy to recruit men into the police force according to the tribes and that only Kikuyu, Luo and Kisii tribesmen would be recruited at first. But this morning, the Government statement broadcast over the K.B.C., stated that the statement in the House by the Parliamentary Secretary was not Government policy, but his own personal views, Mr. Speaker Sir, I thought the Parliamentary Secretary was expressing the Government's policy when he stood up in this House. I personally feel there is something wrong somewhere and the Government is trying to twist everything. We can never be twisted left and right and yet still be expected to remain quiet. I feel, therefore, it is Government policy to employ people on a tribal basis and if there is anyone who has any doubts on this, let him read yesterday's HANSARD. Therefore, I feel that those who do not belong to Kanu are at loss, because they do not belong to the big tribes in the Government, and therefore there are no jobs for them. All they should be asked to do is to pay the taxes in the name of *Harambee*, and that money then goes to the one side. I feel *Harambee* should go to hell, because if *Harambee* means my paying taxes to promote one or two tribes in the Civil Service, then I am sorry.

The Minister for Commerce and Industry (Dr. Kiako): On a point of order, Mr. Speaker, is the word "hell" a Parliamentary word?

The Speaker (Mr. Slade): No, Mr. Shikuku, the expression "going to hell" is not Parliamentary.

Mr. Shikuku: I am sorry, Mr. Speaker, if it is not Parliamentary, I accept your ruling. But I wanted to emphasize that, I have accepted the ruling of the Speaker, and therefore it is an automatic withdrawal, so there is no need for Members to shout "withdraw". The word *Harambee* is a monstrous one and is calculated to make people unaware of happenings. In the meantime their places are taken over by some other people in this country from one or two tribes who think they are clever. The word is used for the wrong end—I am told I am committing treason

[Mr. Shikuku]

here by the Minister for Justice. Am I committing treason when I say that people are being employed on a tribalistic basis and under the name of *Harambee!* If that is treason, and if that is what we are going to be confronted with and sent to jail for, I would rather go to jail.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, on a point of order.

The Speaker (Mr. Slade): He is not giving way.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I never implied that, Sir.

The Speaker (Mr. Slade): Mr. Shikuku, if it is an honest point of explanation it is usual for you to give way.

Mr. Shikuku: I know what he was going to say, and I will not give way, Mr. Speaker.

I am afraid of nothing. I know he is going to speak on the Motion and he can express his view then. Mr. Speaker, may I go ahead? I am not afraid of anything because I have my facts here, and I and the hon. Minister want to outline them. I will and he will find how right I am. All the hon. Members here are aware of this, and each and every Member is always asked when ever he goes back to his constituency, when conferences are held, when they read in the papers of the promotion of one or two tribes only. Mr. Speaker, the policy of Africanization has been diluted to such a low degree that it is not worth talking about. We first advocated Africanization which, in my opinion and the opinion of the people here, was blackanization. Now that we have come to blackanization, this has also been diluted again to tribalism, and then Mr. Speaker, I would not be surprised to find that, in the long run, the whole business will boil down to clanism. The Minister asks me what the meaning of blackanization is. It is a simple word which means you blackanize things. Those who are white and who are in responsible posts, being replaced by black men.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Suppose we paint them black.

Mr. Shikuku: What difference, you can paint yourself red if you wish.

Mr. Speaker, are we going to get the unity of Kenya if we adopt this policy of tribalism? Some of us have been accused time and again in this Parliament and outside that Kadu was a party of tribalists, but here are the facts whereby you

have people getting posts just because they happen to be this or that tribe. I want to read you some of the names to prove that in Government you are actually tribalists. Here I want to quote two or three Ministries. Mr. Speaker, there is no question of inauguration, I can see the Minister for Justice thinking that I do not know what I am talking about, but I can substantiate. May I start right away now, Mr. Speaker. If we look at the Ministry of Commerce and Industry, you will find under-secretaries and senior assistant secretaries as follows. I would like you to note that the under-secretary is a Kikuyu, I do not wish to mention his name. This Kikuyu, has, I understand, no experience in this business of Commerce and Industry, he has a School Certificate but has no experience, but

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): On a point of order, Mr. Speaker, I think at this stage because the hon. Member is trying to give figures and facts to the Government, we would like also to have the names so as not to conceal certain facts which the Government may be very interested to know.

The Speaker (Mr. Slade): That is so, that if hon. Members are seeking to give facts and figures they should give identifiable cases, but if the case is identifiable without a name, it may be preferable to avoid names, and I should have thought in the case given so far it was identifiable without a name.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, there are several assistant secretaries and under-secretaries, there is only one permanent secretary, and if the hon. Member was referring to assistant secretaries, then we would like to have the complete identity of whom we are talking about. I think since the hon. gentleman wishes the House to know the facts that he has, surely he owes it to the House to give full facts. The Government has nothing to conceal in this matter.

The Speaker (Mr. Slade): As I say, people concerned in a case like this must be identifiable. If a name is necessary, then I think it should be given.

An hon. Member: On a point of order, the hon. Member has just said that this under-secretary has no experience whatsoever. Has the hon. Member the right to say that at all?

The Speaker (Mr. Slade): Yes, I hope so. Otherwise, hon. Members would be deprived of very important critical functions in this House.

Mr. Shikuku: Thank you, Mr. Speaker, for your ruling. I feel that my time is getting short, I have a long list of names here. I come to another Ministry here. The under-secretary.

The Speaker (Mr. Slade): You must give the name of the person.

Mr. Shikuku: Mr. Speaker, I feel that the people themselves know who the man is. How many under-secretaries are there in the Ministry of Commerce?

Mr. Mboya: Several under-secretaries.

Mr. Shikuku: In the Ministry of Commerce and Industry there is an Under-Secretary who is a Kikuyu whose name is here—Mr. Speaker, it appears I have lost my list of names here, but I propose to give the names some other time. I propose to give the names in writing.

Mr. Mboya: Is it in order if the hon. Member wants to know the source of the speaker's information for him to give all the facts including names?

The Speaker (Mr. Slade): I do not understand your point, Mr. Mboya.

Mr. Mboya: Would it be in order if we wanted to know the source of the Member's information? Sir, I wanted to know where he got it.

The Speaker (Mr. Slade): I do not understand how this is a point of order, Mr. Mboya. You are entitled to ask people to substantiate what they say, but when an hon. Member points to a particular civil servant and questions whether he has the qualifications there is no question of forcing him to give the source of his information.

Mr. Shikuku: Thank you, Mr. Speaker. These points of order are intended to waste my time here. Mr. Speaker, I am ready to give the names to this House at any date, because I have them listed here. It was not my intention to come here and list names of all the people because it is all ready in the establishment, and anybody who wants any information can get it. That is why I do not want to mention the names of all these people because it is no use doing so when they are all ready on the establishment list.

Mr. Speaker, Sir, there is another Ministry, the Ministry of Agriculture, where the Under-Secretary is a Kikuyu. In the Directorate of Personnel the Assistant Director of Personnel is a Kikuyu, the Senior Assistant Secretary is a Kikuyu, and I understand that another senior person is coming up again in that Ministry.

Mr. Speaker, if I may now mention another Ministry, you will find that in the Information Services the Permanent Secretary is a Luo; the Deputy Director is a Luo; the Senior Information Officer is a Luo.

An hon. Member: On a point of order, I would like the Member to know that he is not a Luo but a—

The Speaker (Mr. Slade): You must understand that that is not a point of order. You have no right to interrupt on a point of information without the Speaker's permission.

Mr. Shikuku: Thank you for your ruling, Mr. Speaker. As I said, it is a calculated move to make sure that I do not have time to put all my points over.

The Speaker (Mr. Slade): Mr. Shikuku, your time is up but you have had so many interruptions that I think you are entitled to a few more minutes.

Mr. Shikuku: Thank you very much, Mr. Speaker. All my other points may be mentioned by other Members if they wish. The situation is very serious in view of the fact that we have only one or two tribes being employed at the cost of others. I feel that it is high time the post of Director of Personnel should be Africanized. At the moment there is a *mazungu* holding this top post. I do not see any reason why this post should not be Africanized. Secondly, I feel that the Government should seriously consider the distribution of posts which should be based on experience and the ability of a person and not on his tribe. I know of people who are experienced but have been brushed aside and transferred to other Ministries rather than promoted, and people who were junior to them and less experienced have taken their places.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Tell us who, substantiate.

Mr. Shikuku: I can substantiate, but because of the shortage of time I will only give you one example. One was in the Treasury where someone took up a post but had no knowledge of this profession compared with the particular person who was trained and qualified and gained a degree in this profession. He has been transferred to Land Settlement. You can find out who it is. This is injustice. His name was put among those who were due to be Permanent Secretaries, but his name never appeared in the Official Gazette. Is that not enough?

(Mr. Shikuku)

With these few remarks, Mr. Speaker, I feel that the Government must take some serious action, and I hope they will realize the situation. I beg to move.

Mr. Oduya: I beg to second this Motion, Mr. Speaker.

Mr. Speaker, Sir, may I inform my hon. friends on this side of the House that this Motion is not for one particular section or one particular party. It is a Motion in the national interest and designed to make us understand that the Government party is not run properly. Although I belong to the Government side, I would not like to have my Government Ministers saying that Oduya is doing this and that and perhaps he is going to cross. I would never cross, and I will tell you the facts now.

Mr. Speaker, Sir, there is some truth in this Motion, and in what the hon. Member on the other side has said. Recently, when the appointment of Permanent Secretaries took place in the country, it was very clear that the Government did not do justice. They were purely tribal appointments. The Permanent Secretaries were appointed, and you will see that there were five Luos appointed, and there were five Kikuyus appointed, but at the moment the number of Permanent Secretaries needed in the country is only about fourteen or fifteen. If only two tribes take the majority of the responsibility, what do you expect the other tribes to get? They picked up a Kisii and took him somewhere into one of the Ministries, but I do not know where. They just wanted to appease the Kisii people in that area, that they were considered, but that is a complete bluff. There is only one Mkamamba appointed, and if you consider the population, you will find that the Wakamba warrant more than they have at the moment. That is why I say that there is a big monopoly. They went to the Coast and picked one person from Teita, and if you have a look round the Coast you will see that they need more than they have at the moment. I do not know what to say about the Western Region. It is a terrible shame.

Mr. Speaker, I would like to tell you a few things. The name of the man who was once in the Prime Minister's Office—his name was Wabuti—as the Assistant Permanent Secretary, was written down when they announced the appointments, and he was transferred somewhere else where the post was mentioned as not having been taken. He was a man of experience, and a man who could fit the post of Permanent Secretary in that section, but because of tribal feelings he was removed.

Mr. Speaker, Sir, we either carry out our policy of *Harambee* or we tell people that the Government here is going to be run by only two people, those who are on top: a Kikuyu this side and a Luo on the other side, and, if that is the case, could we say that the Government of Kenya is G.K.L. because this is very serious. Mr. Speaker, in the Ministry of Labour, the Commissioner there is a Luo, and they are now trying to make the Industrial Relations Officer a Luo. There are other posts there—Labour Officers and top men—that are held by Luos. This shows that these men are out to monopolize the services. These are the facts we want to say. I am not against anybody.

Now, there are other Ministries—

Mr. Ngala-Abok: On a point of order, would the Member state whether there was a Teso who was suitable to take over the job?

Mr. Oduya: All right, thank you, Mr. Speaker. That is why I am saying that there is always a belief that no other tribes are capable. That is the kind of view you find the Ministers in the Government taking.

Mr. Ngei: Mr. Speaker, I would like your ruling. There are those appointments which are made by the Public Service Commission at Kenya, and they are

An hon. Member: Interjection.

Mr. Ngei: Please will you leave me alone.

The Speaker (Mr. Slade): Is this a point of order?

Mr. Ngei: Yes, I would like your ruling on this. Mr. Speaker, because I think there is a constitutional question here, and if there is an amendment, my point of order is that I would like your ruling on this particular case because they are appointments which are made by the Public Service Commission. If permanent secretaries are being appointed by the Civil Service Commission, I would like you, Sir, to tell us whether it is competent for this House to discuss an issue which seems to be a constitutional matter.

The Speaker (Mr. Slade): It is in order for hon. Members to say that certain appointments are made on a wrong basis or in an irregular manner. It would be equally in order for Government to refute such allegations.

Mr. Oduya: Mr. Speaker, let me continue. It is a conspiracy to waste my time. I will give you an example. There was a man known as Wandera in the Ministry of Agriculture, who was a pathologist or something like that, and is the

(Mr. Oduya)

only pathologist in the country. This man is now being wasted in Kisii. There is no question of Teso; we are talking about building a country, and if you want a Teso, there is one known as Albert Ekrapa and he has been in the Administration for a long time but no promotion has been given him. The Minister for Home Affairs has failed in that respect.

Now this Wandera is being wasted, and we have always urged the Government that this man should go to Kabete where his qualifications would be suitable. They are just waiting to see whether a Luo can be found or a Kikuyu can be found to go to Kabete. Also, Mr. Speaker, may I mention that in the Ministry of Justice we have some qualified people, for example, Mr. Lutta. He should have been taken on as Solicitor-General. I do not know whether he has been given that post or not.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Lutta is already working as Solicitor-General.

Mr. Oduya: Then I am sorry, Mr. Speaker, I was not abusing the Minister, but I just wanted to force him to say this. Therefore, the question that was raised by Mr. Shikuku in this Motion is the exact feeling of the public outside. The Government at the moment is not being run properly. The people that are sitting near the Government are not advising the Government on how the country should be run. You find that most of the Ministers come from one place and are dominating things in the Cabinet and that is why things are always going wrong. That is why we are all urging the Government to correct certain things and to see that they represent the set up of this country properly without any complaints. But if they are going to say that when any hon. Member says anything they will be dealt because they are trying to promote misunderstanding, that is not right because it is not misunderstanding at all, we are the Parliament and we are here to tell the Government what to do. We are here to direct you.

Mr. Speaker, Sir, when you go to the Ministry of Home Affairs, just as an example, there were two posts, an Executive Officer I and an Executive Officer II. Now, they took on two men, without even Cambridge School Certificate. A man without even this qualification was given the one executive post, grade I, and is earning a lot of money, and the executive post, grade II, was the same, and he was a Luo. Were there no better men, were there no Kalenjin or Masai to fill those posts? How was it that it was

necessary that only Luos should be found for those two positions? That is a clear example.

To move a step further, Mr. Speaker, you will find that in the Directorate of Personnel there is a rumour that they are going to find a Kikuyu to take over as Director of Personnel. You are soon going to find out that a Kikuyu is the Director of Personnel.

The Speaker (Mr. Slade): Mr. Oduya, you have had your time I am afraid.

Mr. Oduya: I do not know whether my time is up?

The Speaker (Mr. Slade): Yes, it is.

Mr. Oduya: Thank you, Mr. Speaker.

(Question proposed)

Mr. Muliro: Mr. Speaker, Sir, I think the House must treat this Motion as a very important Motion. One thing which is very clear and is very, very explicit in this Motion is that it is attacking the integrity of the Public Service. Some of us, Sir, urged, at the time we were manufacturing the Constitution of Kenya, that there should be nothing like an independent Public Service in Africa, because such things are non-existent in Africa. I said we could not have anything like an independent Public Service. The truth is this, that the Government coming to power in all the emergent countries in Africa, and all the developing nations throughout the world, whatever Government it is that is in power, it would like to give posts to its supporters. This is very, very apparent now in Kenya. That is one of the problems in Kenya. The desire by the Government in power to distribute some monetary benefits to their supporters, is there, and here the allegations are that in distributing these benefits, in awarding the posts, these posts are being given to only two dominant tribes that is the Luo and the Kikuyu. These are the allegations, I do not say that they are the truth. They are the allegations which the two hon. Members, the hon. Mover and the hon. Second, have hammered on very seriously. Sir, the hon. Members in this House must accept one responsibility, that is, we either build Kenya, in other words we build, all the people of Kenya together, or we accept tribalism and leave people to take their own courses and we shall see where Kenya goes. This would be very catastrophic in Kenya and my plea to the Government is this, if there is any practice, or if there are any Ministers in the Kenya Government today, who think they should purchase themselves with members of their own tribes, they must think again and think again in

[Mr. Muliro]

terms that while they are doing that, the rest of the tribes are going to come together and regroup and Kenya is going to hate it much worse.

Therefore Sir, I would prefer to see that the Kenya Government of today takes this very seriously. If they are in agreement with tribalism they are in a serious trouble, because those Members and the Kenya Government today comprises all the tribes of Kenya. If the tribes that are supporting the two dominant tribes of the Government are not satisfied, those tribes are going to decide against the Kikuyu and the Luo, and then Kenya will be in trouble. This is my plea, Sir, if there are any Ministers in Kenya today who are prone to tribalism they should surrender those idiosyncrasies of theirs and think Kenya-wise or else they should tell us that they want to think of Kenya and tell them what to do.

With these few remarks Sir, I beg to support the Motion.

Mr. Kamunde: Mr. Speaker, Sir, I believe that the Motion in front of us is seriously touching. In the first place Sir, we cannot deny that there are Kikuyus and Luos in this country and we cannot deny that they are the dominant tribes. Sir, I do not intend to waste time on this Motion but I wish just to state one or two things that I feel are becoming almost too obvious.

The two points, Sir, that jobs are being taken not because those who are left out are unable to do the jobs, not because they could not find suitable people in those other places, but because I believe there is a building up of certain individuals, not tribes. Mr. Speaker, Sir, we must tell this House that if the Civil Service is going to be composed of people who are going to build up certain individuals, it is time some of us protest in every field.

Mr. Speaker, Sir, we have a Prime Minister who is one of the very few people who has no tribal feelings and he has said repeatedly that he is not interested in us talking about tribes. It is true, Sir, that those who are on the Government side as back-benchers or Ministers stood in the election campaigns and said we want to crush tribalism in Kenya. But, Sir, I say that there are certain individuals who are using the Civil Service for building themselves up, and we shall not stop to look at those people going ahead gladly. Sir, I am not going to give all my mind about this, I am not particularly interested in talking about my own tribe, because I believe that if there is a man suitable in my constituency or tribe, it is for me to suggest him, if there is a post advertised. If I

cannot do this, I cannot come into this House and shout tribalism all the time.

Mr. Speaker, Sir, I was trying to challenge those people who stand aside and see jobs taken by those who are ready to take the posts and yet accuse us of tribalism. When they go back or come in this House they shout, yet when these posts are advertised they do not come forward and apply. I also challenge those people who hide jobs and put them in their pockets and advertise them when they have already picked the people to fill the jobs. Mr. Speaker, Sir, I feel very concerned about the Civil Service, and I know the Government can only carry on and go ahead only with a fairly well distributed Civil Service, particularly in a country like this. We must accept that tribalism is here in Kenya, we all belong to certain tribes, it should not be our motto to keep talking about tribalism or about certain tribes. It should be our motto to build this country. But in doing so, it should be the duty for a person who belongs to a so-called small tribe to go and look for people who keep on talking about unemployment or being left out, not only labourers but also civil servants in the top jobs with Government.

Mr. Speaker, Sir, I feel I should not challenge any particular person because if I wanted to do that I could quite well do so as a representative of all the people. Sir, I would like the Government to look at this now that it has come up in this light, that we do only have two predominant tribes in jobs. Sir, we do not want to employ mugs, and I use the word "mugs", meaning by that people who are incapable. Capability should be spread all over the country wherever possible. I must also point out the fact that ability goes with favour sometimes. I do not want to allege that there is any favouritism anywhere although there is in certain cases. The Commission of Inquiry will not help very much. It will probably bring the same answer. The answer to the problems is to spread jobs to all people and tribes of Kenya.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. De Souza) took the Chair]

It will probably bring us the same answer as you have seen in some of these commissions. They are also influenced in one way or another. Mr. Deputy Speaker, Sir, I would like to see the people on both sides of the House, and those in any Government which takes over and rules this country, keeping its eyes on certain obvious criticisms which are likely to come. May I repeat once again, that those individuals who are trying to use employment, trying to use the Civil Service, trying

[Mr. Kamunde]

to use maybe even the army or anything for building themselves up, are just about to collapse in this Kenya.

Mr. Deputy Speaker, Sir, I am not quite sure whether I support the Motion or not. However, what I have said, my mind speaks for itself.

Mr. Ngei: Mr. Deputy Speaker, because I raised this matter as a point of order, I was not understood by the speaker. I would like to stress one or two things on this particular Motion before I say whether I support it or not. I think a constitutional question arises, because there are those appointments which are made by the Public Service Commission. To my mind, Mr. Deputy Speaker, this Motion suggests that the Kenya Public Service Commission is also tribalistic, because as far as I can see, constitutionally, the vacancies are put in the local Press or they are broadcast and it is up to the local Public Service Commission to determine whether these are the right people for the job or not. If, of course, there are members alleging that there is a political influence coming from political parties or individuals, then I would like this Motion to be amended leaving the Kenya Service Commission aside. That is the point that I wanted to make on a point of order, but I could not elaborate in a way the previous speaker could understand. I think there is a section, I think section 191 of the Constitution, which says, let's say, for example—the Mover of this Motion said that the post of Director of Personnel—I think the post of Director of Personnel comes under section 191 of the Kenya Constitution which has some conditions laid down for the appointment of that particular person. If I may say, that appointment is made after the Prime Minister's consultation with the Governor-General, and no one can say that that post will be assigned tribalistically. But, there are appointments other than that of Director of Personnel which come under the jurisdiction of the Public Service Commission, and, therefore, unless the Mover assures us that the Public Service Commission of Kenya, which is chaired by Mr. McDonald, who is a civil servant of long standing, and unless the Mover shows that the Public Commission is tribalistically constituted, then the Motion needs to be amended.

Mr. arap Moi: Mr. Deputy Speaker, all the hon. Members in the House would like to speak on this Motion because it appeals to them, to their own constituents and to the country as a whole. In the past the Kenya African Democratic Union was branded as a tribalistic organization when it was not. This in practice of course shows what type of a person a person really is. Some people talk

glibly of certain ideas. If we are to build Kenya, and the leaders today in the Kenya Government, particularly the Ministers who are given responsibility to carry out in Kenya as a whole, they must weigh their activities and their deeds so that everybody in the country will be looking upon the Kenya Government through its Ministers for help and guidance.

I should have liked to have given all matters in detail to show how these people are appointed. Today, the Public Service Commission, although the Member for Kangundo—

Mr. Ngei: On a point of order, I am not the Member for Kangundo. The previous speaker may have fallen in love with Kangundo, but I am the Member for Machakos North.

Mr. arap Moi: I was very courteous in giving way for the hon. Member to say what he wanted. However, I would like to point this out. The previous methods of the Colonial regime which are now being carried out by an independent Government must be denounced. In the past, the Public Service was used as a rubber stamp for various Ministries and thereby promotions were effected if certain Ministries recommended that a certain person should be given promotion. This is now being carried out, Mr. Deputy Speaker, I was surprised, and I am still puzzled, why some chaps were recalled from Britain to come back and work in certain posts in the country. There are Kalenjin, Masai and others. I was surprised that some Kalenjin and Masai were sent as Assistant Regional Government Agents and so on, and others were promoted to Regional Government Agents and so on. I know of them, everybody knows about this. This is a deliberate step to brush aside others from participating in the affairs of Kenya. I do not want to accuse the Kikuyus or the Luos, Kikuyus are Kikuyus, they are not responsible for the promotion of various people to individual posts. Those who are responsible are individuals who are promoting certain people. There may be certain Kikuyus who are not related to certain people in the various Ministries and yet they are not promoted and therefore I want to quote a case in point. The Posts and Telecommunications for instance and it is surprising that the Minister for Posts and Telecommunications is not here.

The Minister for Home Affairs (Mr. Odinga): I am here.

Mr. arap Moi: I did not hear that. There are about 10 Europeans, 25 Luos, three Balyuhas, three Kikuyus, three Taita, one Kipsigis, one Kamba, one Buganda. You see how these posts

[Mr. arap Moi]

have been distributed. Now in the Ministry of Labour there are 10 Europeans, 19 Luos, seven Kikuyus and others six. If I quote all this today it will disappoint many members, it will disappoint everybody. I do not want anybody to think or feel that one particular tribe is bad because one Minister is making mistakes. I should like to say this, that those Ministers who are trying to be little Kényans as a whole should rectify their mistakes immediately and see that promotions are earned out without favour. If a man is a Turkana and capable of doing a job let him take that job. If he is a Taita or comes from Njemei, a small tribe—let him take that job. Therefore, Mr. Deputy Speaker, there are so many posts in the Administration and so on. Today if we try and find out how many people there are at the top of each Ministry, one would see how very disappointing it is to find that the lot belong to one tribe. Mr. Mbova's Ministry, the Ministry for Justice and Constitutional Affairs.

The Minister for Justice and Constitutional Affairs (Mr. Mbova): Watch out.

Mr. arap Moi: I think, if you go to the Ministry of Justice and Constitutional Affairs, of course you cannot see it as completely tribal, you see a bit of distribution. I do not know whether this was due to him, or whether he has not started yet, but this Ministry should be set up as an example to others. Also the Treasury is not bad although you find three Luos, five Kikuyus, 10 Asians. When you go to the Airport, some of us would like to see a mixture of people at the Airport. There you find 20 Europeans, 12 Asians, 17 Luos, one Kikuyu and others.

An hon. Member: Tell us about Europeans.

Mr. arap Moi: Although the gentleman is trying to suggest that we are practising tribalism in the regions, let him come and see what is happening in Nakuru. You will find Kamba, Kalenjin and others, but if you want to tell me to get rid of everybody and put in Kalenjin and Masai, that would be complete tribalism and should not happen. In the Constitution, Mr. Deputy Speaker, there is a section which says that posts within the Central Government Ministries should be distributed fairly and therefore this should be practised so that everybody can look upon the Kenya Government as a just and fair Government for all, rather than a Government reflecting a smell of tribalism. I know the Government will try to defend its case by saying that they will decide these things on merit and ability.

The Minister for Home Affairs (Mr. Odunga): Yes, Yes, Yes.

Mr. arap Moi: I am glad that the Minister for Home Affairs is saying "Yes". Can we not find amongst the 'Luyha a man of ability. Can we not find amongst the Kalenjin a man of ability, or a man from Taita with these qualities or a Kisii, a Meru a Teso or an Embu for that matter? I beg to support.

Mr. Ngala-Abok: Mr. Speaker, Sir, although this is a most important Motion, I do not want to say whether I oppose it or not, because there may come a time when I have to go to the Government. I am loyal to the Government, but I do not vote with the Government on a Motion like this. Although I am Jaluo, and although some people are accusing them of being one of the two big tribes which are now trying to tribalise the civil service, I know of certain things which I can put as allegations and to which, I am sure, the Ministers will reply.

Before I continue, I would like to say that whenever we say anything here, we do not do so to destroy but to repair. Whenever the Ministers reply to whatever we say, they should reply in an endeavour to improve things, not to worsen them; they should not think that they are big lords and they will continue to be Ministers for good.

Turning now to the point, Mr. Deputy Speaker:

(Interruptions)

If Members do not want me to speak, I can sit down.

An hon. Member: Go ahead.

Mr. Ngala-Abok: Listen to my point. The causes of this particular form of tribalisation in the Government today are not due to the Ministers. Let nobody be under any illusion whatever. The Ministers may play a part, but the allegation outside is that there are certain people who are responsible for all those promotions. Whenever someone is to be promoted, it is not for the Minister to say that so-and-so has experience. The person is recommended to the Minister. They say, "so-and-so is the right person," and therefore I am telling you that that is the possible area of difficulty, the place perhaps where tribalism is being cooked-up; this is among the outgoing staff, the administration, the British experts who have been promoting these civil servants.

Hon. Members: No, no.

Mr. Ngala-Abok: They are the people who want the Ministers to take them into their confidence so that they can recommend to the

[Mr. Ngala-Abok]

Ministers the people from their own tribes. This is the allegation. Do not try to struggle with me; I am giving you the allegation. In every Ministry, the civil servants who are supposed to recommend the people to the Ministers try to please them by introducing people of their own tribes. Whether this is true or not, I do not know, but this is the allegation, so that they are kept running properly.

An hon. Member: On a point of order, is it in order, when an hon. Member knows that something is a complete lie, for him to go on saying that it is an allegation?

The Deputy Speaker (Mr. De Souza): The hon. Member is entitled to make allegations, but he can be called on to substantiate them afterwards.

Mr. Ngala-Abok: Therefore, I am warning you that if there are any civil servants in this country who tries to please a Minister by introducing a man of that Minister's tribe, so that he is in the Minister's confidence, that person must leave his country immediately.

There is another point here, there is a tendency also for good civil servants who belong to certain tribes to be sent to Regions because the Central Government is being made a place for people of one particular tribe. I know of cases where people who have been in Government for some time, with degrees and good qualifications, are being transferred to the Regions without apparent reason. They go to the Regions and lose their positions, and then you get a person who was not working there before taking his place. This is well known, and it has been a tendency to make the Central Government a warm place for certain groups or tribes. This is a warning: if, next time we go to the Central Government and we find that it is full of Kikuyu and Luo, the other tribes will use this as a weapon for their voters. They will say, "Look at the Central Government." Therefore, if anybody supports this idea of centralization for certain groups, or regionalization for certain groups, then that person is a criminal lunatic already.

There is a particular department I would like to criticise, the Ministry of Health. In Kenya, you cannot deny the fact that the most qualified men in the medical service come from the Kikuyu and the Luo. There is no use a Kalenjin thinking that he will be recruited if he is not qualified.

Just a minute! There is one thing I want to say: this Ministry is the worst Ministry as far as Africanization is concerned. We have realised that there are certain Ministries—such as the Ministry of Justice—to which you go with your

qualifications, and where no amount of telling them that you want to be employed, will get you a job, unless you have professional qualifications.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Can the hon. Member substantiate his allegations?

Mr. Ngala-Abok: I am going to do it, Mr. Deputy Speaker. I said this from the very beginning that we are here because we are repairing, not destroying.

Within the Ministry of Health, if you look at the medical headquarters, you will not find any Luo doctor there. Yet, you will find in Kenya today that the only qualified surgeon, a member of the Royal College of Surgeons, is a Luo. Instead of leaving him at King George Hospital to understudy the Kenya specialist there, he has been sent to regional areas where he does practically no work. He complains that he has no opportunities, no instruments, nothing at all.

Turning to the question of Africanization, the most experienced doctors are Luo, and of course Kikuyu, I agree, but you will find none of them here. I will give you an example. We have Dr. Ojumbo and Dr. Warambo, these are the only highly qualified and highly specialised men here. Instead of being kept at King George they have been sent outside to waste their brains and their knowledge in places where they have no facilities, nothing. Then you find that King George Hospital has been left in the hands of people who are not well qualified. This is the type of trend which we do not want. If there is tribalisation, then we must crush it.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Deputy Speaker, Sir—

Mr. Anyieni: On a point of order is the Minister replying? Is that according to Standing Orders?

The Deputy Speaker (Mr. De Souza): I must make it quite clear that this Motion has two hours to run. The Minister or the Government responder can decide at any stage that he wants to reply on behalf of the Government. He is not replying on behalf of the Mover himself will have a chance to reply fifteen minutes before the Motion is over, that is one hour and forty-five minutes after the Motion begun. The Motion began at 3.35 p.m., so the Mover will be called upon to reply at 5.20 p.m.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Deputy Speaker, Sir, the Government rejects the Motion.

[The Minister of State, Prime Minister's Office] I would like to say appointments to the Kenya Public Service are made by the Public Service Commission, who have full authority to do so under the Constitution. When making appointments, the Commission are primarily concerned with the efficiency of the service and maintaining standards. Thus merit and ability are the main criteria in making appointments.

Mr. Deputy Speaker, Sir, we have to work

Mr. Malsori-Itumbo: On a point of order, Mr. Deputy Speaker, we cannot hear the speaker very well. It seems as if he is only speaking to the people on the other side, and we want to hear.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Deputy Speaker, I am not a double headed animal, I just have one head and I cannot talk to both sides.

What I was saying was that we have to work in accordance with the terms of the Constitution, or we reject the Constitution.

An hon. Member: No.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Well, I am just saying that.

While section 188 (9) of the Constitution states that in exercising its powers to appoint persons to hold or act in offices and establishments of the Government of Kenya, the Public Service Commission shall endeavour to secure that the establishment is staffed at every level by a reasonable number of persons from each region and from the Nairobi area, it also adds the rider, in so far as is practicable. While this provision is not overlooked, it becomes difficult to give it its full application as the Commission is mainly concerned with the maintenance of the standards in the service, and the regional consideration must be subservient to this.

It should, however, be realized that some areas have had a better educational development than others, with the result that those areas have been the source of manpower for the service and for the private sector.

Appointments of African officers into the service preceded the Constitution and the pattern of appointments was already laid down when tribal considerations were not taken into account, and no such conditions laid down by law. It is difficult to change such a pattern, nor is it considered necessary to do so for the sake of making tribal appointments if this will mean reducing the efficiency of the public service.

[The Deputy Speaker (Mr. De Souza) left the Chair]

[The Speaker (Mr. Slade) took the Chair]

It must be borne in mind that the efficiency of the service must always be safeguarded and the public provided with these services for which it pays its taxes.

Whilst it is accepted that there never can be any question of discrimination against any regional or tribal group, it would be wrong in principle to appoint officers from any particular group or tribe, merely for its own sake, if this led to a reduction in standards.

Mr. Speaker, I would say this. Many of the speakers this afternoon have spoken against tribalism. We all feel that tribalism is not going to help us in our advancement towards a happy future. We also feel that tribalism, which has been something we have been fighting against during our struggle for independence, is still present amongst us. This can be reflected in some of the speeches we have heard today, where Members have been speaking against it but mentioning their own tribes to defend the position of their own tribe. Mr. Speaker, if we are to build a country where there is no tribalism whatsoever, then let us not think in terms of trying to get our own people into the Civil Service, let us see that the people in the service are taken on by merit, purely on merit.

An hon. Member: Do that, that is what we want.

The Minister of State, Prime Minister's Office (Mr. Murumbi): But this is reflected in the speeches we have heard today. Even in the original Motion which was drafted, the hon. Member contradicted himself. He speaks about his own tribe. One cannot speak in terms of abolishing tribalism and then defend one's own tribe; that is tribalism, that is what we want to avoid. We cannot have it both ways. If we are sincere to the principles which we are supposed to adhere to, then we must not think in terms of what each one is, we must think of ourselves as Kenyans and accept men and women into jobs in this country purely upon their merits, not their tribe.

An hon. Member: What about Europeans?

The Minister of State, Prime Minister's Office (Mr. Murumbi): No, I said Kenyans, and Kenyans means anybody, irrespective of his colour.

Mr. Speaker, I therefore beg to oppose this Motion.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I stand to speak on this very unfortunate Motion, but I am not surprised because I understand that the Mover of the Motion

[The Minister for Home Affairs] is the Secretary-General of a party whose policy is *majimbutism*, which means tribalism.

Let me say this briefly, Mr. Speaker. I should say that in Kenya, the set-up which we have in the Civil Service is inherited from the former colonial power which was ruling Kenya. The colonial power did not belong to any one particular tribe and, therefore, in setting up the Civil Service, they did not take tribalism into consideration. So if somebody blames us for that set-up, if they blame us purely, that it is tribalistic in itself, I think they are making a very serious mistake, because I do not believe that is true.

Mr. Speaker, I am sorry to hear the way the Mover of this unfortunate Motion has put it to us. If you are realistic about what is happening, as you know, even in advanced countries, or in all those countries which are about to assume the same position as we are in, you will find that the Civil Service will always find its own level, just like water normally finds its own level. You may try to force an issue or to force the equality of people by trying to see that you push this man here in order to be fair and push that man there in order to be fair, but, in the end, you will find that all these things will find their own level. For example, let me tell you what I have noticed even in Great Britain. When I went to the British Parliament, I met some Irish people and they said to me, "You know, we Irish people are the defenders of the British Empire. All the good generals come from Ireland. Alanbrooke came from us, Montgomery came from us, Alexander came from us; all those big generals came from us." It is not because somebody carefully chose them to belong to Ireland, it only just happened, at that time it was just found that those people were suited to lead the British Army.

Take also the example of the British Prime Minister. The former Prime Minister of Great Britain came from Scotland, and the present one comes from Scotland. It was not because when people were choosing them they were thinking of Scottish people, and so on; it is only the ability of the person which counts.

Mr. Speaker, let me go on to give more examples and information to our people. For instance, I do not think that when the British were actually forming the Kenya Army they thought that there should be more Kalenjin or more Wakamba in the Kenya Army; everybody was there. They only chose those people who were actually prone to military discipline.

However, people should be loyal and conform and also devote themselves to military technique

and ability. They only found out that these people take well to discipline, not for any other reason. Even in business, in this country, I have told people to go to Kisumu and go to lots of other places. You find the Kikuyu in all markets, defeating the other people in the markets in getting business their way. Why do they do this? Have we told them to go and do this? It is because they have a business head, a money-making head and we cannot tell these people that we like equality in everything and therefore we must take a few Kalenjin and put them in business there.

Even in the Civil Service, you will find there are certain people who will content themselves with all the small salaries they get and continue to serve loyally and be there faithfully all the time. However, there are certain people who will not actually agree to do so. Therefore, we must give everybody a fair chance. When you get some person who serves in the military, nobody knows whether he comes from Uganda or any other location in any other territory. Uganda is a place where you get most of the military people from. They do not always come from all areas, and we do not stop other people from joining the military. The reason why certain people do not join the military is because they are not drawn to it.

Therefore, when we are talking about all this business of tribalism let me say that this is all tosh. We have trust and even welfare in our work as Government. I do not think there has ever been any Government which has been so fair. In the beginning, only to meet certain short-sighted and tribalistic-minded people we actually did certain things which were not natural, even in choosing our diplomatic corps. We had no option at that time but that will not be the normal practice in the future. In the end everything will be done according to the person's merits. Every person will be given a chance: the first man will take the first place, the second man the second place. In all the big posts in which we have had any say, I am sure we have been very fair indeed in using our judgement. If hon. Gentlemen on the opposite Side wish to come and talk to me about my Ministry I will tell them what actually happens there. In my Ministry there are four departments and in each of these you will find that the head of the department does not belong to one particular tribe.

Now, let me tell you about Civil Secretaries. In Kisumu, the deputy is a Kalenjin, in the Western Region he is also a Kalenjin, in the Central Region you will find this person to be a Kikuyu, in the Eastern Region he is a Muluha and when you come to the Coast you will find

[The Minister for Home Affairs] him to be a Kamba. In all these places you find the different tribes represented.

The Speaker (Mr. Slade): Mr. Odinga, you have now had ten minutes, but do you claim thirty minutes as official reply?

The Minister for Home Affairs (Mr. Odinga): I can claim that, Mr. Speaker, as no other Minister has claimed it.

Mr. ole Tapis: On a point of order, Mr. Speaker, is the time not up yet?

The Speaker (Mr. Slade): I do not know whether any other Minister claimed thirty minutes because I was not here, but if so, he did not use it and so Mr. Odinga, as the official responder, can go on for thirty minutes or rather until 5.20 p.m., because I must then call on the Mover to reply.

The Minister for Home Affairs (Mr. Odinga): In a very steady voice, Mr. Speaker, I want to try to explain things to my hon. friends in the Opposition that we are just emerging from a very violent period of preaching of tribalism. We are slowly getting ourselves out of that and the Government is aware of the position. Government is also aware that our opponent party, Kadu, is based on tribalism and, therefore, we have been very, very careful.

Mr. arup Moi: On a point of order, Mr. Speaker, is the Minister in order in referring to Kadu as a tribal party?

The Speaker (Mr. Slade): I think the Minister is near enough to the point to justify him in what he says. Whether he is justified on other grounds, of course, is a matter for the decision of the House, but I would not say it is irrelevant.

Mr. Omar: On a point of order, Mr. Speaker, do I understand the Minister to say that Kadu was formed on a tribal basis? Can he substantiate that allegation?

The Speaker (Mr. Slade): Allegations of such a general nature are a matter of opinion and there can be no question of substantiation. It is a matter of opinion to be judged by hon. Members according to their views and experience as individuals. That is all.

The Minister for Home Affairs (Mr. Odinga): I am sorry, Mr. Speaker, if references which I have made have hurt the feelings of some of the hon. Gentlemen of the Opposition. However, the truth speaks for itself and, therefore, I will leave the truth to do its work in future.

I do normally maintain that if anybody tells me that the Wakamba are too many in the military and should be replaced I do not agree with that person. I do not also agree with anybody who, on the other hand, says that because we are such and such a tribe, in such and such an area, we have not got our representative and should have him; we cannot consider things on that ground alone. I say we should consider Kenya people as Kenya people. Whatever anybody does, if he does it properly, he is contributing to the building of the nation of Kenya. Where he comes from, whatever tribe he comes from is of no consequence and does not reflect the merits or demerits of that tribe. All he does goes to contribute to the building of the Kenya nation. What we should try to get away from, although I know it is too early yet to get away from it, is to slowly undo this violent tribalistic feeling; we must try to do away with it completely; and the way to do this is only by considering Kenya people merely as Kenya people, and also by considering people according to their merits in the work they do. Only that. I would also say that in all our institutions we should always go on the merits of the people who come before us for jobs. We should consider how they qualify for a particular job and nothing more.

Mr. Pandya: What about me?

The Minister for Home Affairs (Mr. Odinga): My friend from the opposite bench asks me, "What about him?" but I can assure him that he can also, provided that he is a Kenya citizen and has made himself an African of this country. I will include him in this.

Mr. Pandya: On a point of information, Mr. Speaker, for the benefit of my friend, he should know that I am already a Kenya citizen.

The Minister for Home Affairs (Mr. Odinga): Thank you very much indeed. Therefore, he need have no fear when I speak of all the Africans of Kenya, because he is an African of Kenya. We must all live together as Africans of Kenya. We have already had this tribalistic feeling which—

Mr. Towett: On a point of order, Mr. Speaker, is the hon. Minister on the other side entitled to put his foot on the bench?

The Speaker (Mr. Slade): Yes.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I want to draw the attention of the House to the fact that it was not a very long time ago when we used to speak about the Europeans, we used to speak about the Asians and

[The Minister for Home Affairs] we used to speak about such-and-such a tribe. However, this question of such-and-such a tribe has only recently been invented and has only recently become violent in its nature. Now, it is slowly dying away and, as it is dying away, I would like to ask the Mover of this Motion, when he is replying, to please consider this Motion. It was most unfortunate for the Mover of the Motion to have mentioned that his own tribe is not being noticed. I think this was most unfortunate and I think he has time to reply—

Mr. Shikuku: Mr. Speaker, Sir, on a point of order, I did amend my Motion when I moved it and I would like the hon. Minister to note that. Is it in order for him to refer to the fact that I referred to my own tribe?

The Speaker (Mr. Slade): This is a correct point of order if I am right in believing that the Minister is misrepresenting what the hon. Member said. He amended his Motion to avoid any reference to his tribe, and I cannot remember him referring to his tribe specifically anywhere in his speech.

The Minister for Home Affairs (Mr. Odinga): I am sorry, Mr. Speaker, if I quote him wrongly. I only say that if he amended his Motion I withdraw and hope that he will have also amended his mind. I will only know when he replies whether he has amended his heart, his mind and his conscience. If he has done this I feel we will have gone very many steps forward.

With these few remarks, Mr. Speaker, I beg to oppose the Motion.

The Speaker (Mr. Slade): I think we have reached the time for the Mover to reply and, therefore, I will now call upon him to reply.

Mr. Shikuku: Thank you, Mr. Speaker. It is regrettable that most of the Members of this House who wished to speak on this Motion have not been able to do so. I must also regret the fact that the Government has rejected the Motion. However, I am quite happy in view of the fact that the truth has been spoken as from yesterday up to now and we must thank God for that.

We were told by the hon. Minister, Mr. Murumbi, that the present promotions to the Civil Service are based on ability and merit. I said in my speech that I knew they would tell me this, but can the Government prove to this House and to the public in Kenya—who are the taxpayers—that none of the tribes other than the Luo or Kikuyu has the ability to warrant being promoted? This is a "white lie" which has been covered up with sweet words and nationalistic sort of speeches.

I would like to make one point very clear, namely, the truth can be covered up for a time, but not for ever, and it does not matter what the Ministers say in defence to cover up the truth. For I know the truth will come out one day. The Government must not fool itself that the people do not know what is taking place. It is impossible that of all the tribes in Kenya only Kikuyu and Luo are the ones who have merit and ability. I must thank the hon. Minister for Home Affairs for the way in which he has tried to play about with the whole situation by telling us about businessmen, Irish men and so on. But can the Minister tell the House, for example, why Mr. Wabuti's name did not appear in the Official Gazette after it had been announced by the Prime Minister that he had been promoted to the rank of Deputy Permanent Secretary? And why this person was transferred to the Ministry of Settlement? Is there any African, at the moment, more qualified, able and experienced in Treasury work than Mr. Wabuti? If so, I challenge the Government to produce such a person and let him and Mr. Wabuti be given an examination to find out who is better than the other. I hope the Government will accept this challenge.

This is a situation, Mr. Speaker, which people who can see cannot stomach, particularly my people, and I know when I say, "my people", I am speaking on behalf of all, because I am speaking in the Parliament of Kenya which is for all. You can see, Mr. Speaker, that the question here is not based on ability and experience but on tribe, otherwise, why was Mr. Wabuti and others not promoted? We are ready to produce some more specific cases to prove that some people were left out just because they were not Luo or Kikuyu, or were not friendly with the Ministers. The Ministers appear to be all out to fill all big posts in the Government with their own supporters. The Government can say anything in defence, but I am glad that the people now know what is happening.

The other point I would like to raise, Mr. Speaker, is in connexion with the Public Service Commission. Although the Public Service Commission is supposed to be independent, this does not appear to be the case, and some of us who took part in the Kenya Constitutional Conference knew then that the Commission would not be independent, and I feel it is time that the present Public Service Commission was abolished completely and another one appointed.

Then, Mr. Speaker, there was this question raised by the hon. Minister for Home Affairs, the hon. Minister is, of course, an old friend of mine. I, like his ideas, and sometimes we do not agree.

[Mr. Shikuku]

but I would like to tell him that his accusation that Kadu is a tribal party is completely untrue. May I now outline what he is? The very name *Jaramogi* is tribalistic. There is no Muluha, no Kalenjoi, no European nor Irishman, nor anybody else who has ever been known as *Jaramogi*.

The Minister for Home Affairs (Mr. Odginga) On a point of information—

The Speaker (Mr. Slade) He is not giving way I am afraid.

Mr. Shikuku: The time is very short I am afraid.

The Minister for Home Affairs (Mr. Odginga) On a point of order, Mr. Speaker, is the speaker strictly correct when he says my name is tribalistic? I do not think that that is strictly the meaning which we convey by the word tribalistic.

The Speaker (Mr. Slade) That is not a point of order.

Mr. Shikuku: Thank you, Mr. Speaker, for your ruling. I thought the hon. friend of mine was old enough to know what a point of order is.

Mr. Speaker, Sir, the very name *Jaramogi* Odginga is tribalistic, hence my hon. friend should not stand up in this House and pretend he is a Nationalist, when his very name and actions are tribalistic. I must, Mr. Speaker, point out that the present situation cannot be covered up by just a few people in this House who continue to accuse others of tribalism when they are not only tribal minded themselves, but practice it. The hon. Minister for Home Affairs stated that I was General Secretary of a tribal organization and that is why I brought this Motion, which he described as "unfortunate". To start with, Mr. Speaker, the hon. Minister must know that Kadu is not a tribal organization, for it is composed of all tribes, including his own, the Luo. Our Deputy Chairman is a Luo from Kisumu, his name is Mr. Nyamolo. This motion is described as unfortunate by the Minister, simply because it has brought to light what is happening.

An hon. Member: Medical experts.

Mr. Shikuku: A friend of mine is talking about medical experts. That is another medical expert, Mr. Speaker. The only highly qualified medical expert, was transferred to Nyeri where he is rotting away. He is Dr. Ojiambo, who I feel should hold an important post at King George VI.

An hon. Member: There are many.

Mr. Shikuku: And he has been pushed off because he is a Muluha.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko): You are disrupting the room. How can you go into the bush and take the place of someone working in a hospital?

Mr. Shikuku: I can hear the hon. Minister for Information saying that Ministers cannot go and look for those who are hiding in the bush. Is he aware that these people have been in Nairobi and have been transferred to remote places? And that their applications for jobs have been turned down? His very Ministry is worst of all, for all the top posts are held by Luo. Here we have been told that the Government has employed on ability and merit, but we have cases where people, who were able, who had the merit and who had the experience were left out, but what can the Opposition say? The Government has rejected the Motion. The fact remains, Mr. Speaker, that there is injustice and I want this to get down into the heads of those in the Government at the moment, that so long as there is injustice, so long as there are all these misdeeds, they will never capture the confidence of the people. They are going to try, but all they can do is to deny this, here. But they must not forget that one can only deceive the people for some time, but not for ever and a day.

Mr. Speaker, I do not think that our being ignored in this House will ever help this Government of ours. By raising this Motion I did not mean to destroy the Government but to tell the Government what is true, and I challenge them, for example, Mr. Speaker, to tell me now—

An hon. Member: Do you want some help?

Mr. Shikuku: I challenge them to tell this House—and I hope the Minister for Home Affairs, who has talked so much on this question already, will be able to tell me—how many other people besides the two tribes are in the grade of Under Secretaries and Permanent Secretaries in the country now. Let us have the breakdown and many will be surprised. Of course, you can shout about this breakdown, but you can read in your Official Gazette who these people are. Some of the Members, who are shouting here, must know that this is the truth.

I can see the hon. Member Mr. Gaciatta agreeing with me: he is nodding his head. But, of course, what can we do? Nevertheless, Mr. Speaker, I feel we should have a better understanding. This understanding should be based on merit and ability. As long as those who are able are left out, and some other people take over their positions, or are transferred to other departments, and their positions are filled by other people, gentlemen, I do not think we will get

[Mr. Shikuku]

and whatever propaganda you shout over the radio, or in the papers, of unity for Africa, unity for Kenya, that will never come in practical terms. I do not believe, Mr. Speaker, in coming to this House and talking on a Motion so that afterwards the people can say he spoke very well. I believe in telling the people what I personally feel about it, and I do not believe in subversion. Some people talk so sweet here, but they are so subversive in their moves. Even in this very Government some people do not speak their minds. They should stand up and speak their minds, but if the Government is going to stop other people from expressing their views, then it is heading for trouble. Once one is stopped from expressing one's views, one finds another way, and that way is subversion.

During my speech, Mr. Speaker, I was told by the Minister—

The Speaker (Mr. Slade) Order, order

Mr. Shikuku: Yes, the Government is disorganized so it is making a great deal of noise.

During my speech I was told by the Minister for Justice that I must be careful because I might be committing treason. If people speak their mind, they are threatened that they are going to be charged with treason, just because they have asked why other people are not being promoted in the Civil Service, but what can they do? May I assure this House, Mr. Speaker, that truth will ever live. So did it live in the case of the hon. Prime Minister of this country, where some people told lies in court and later came and confessed that they did tell lies. If anyone locks me up because I spoke the truth, I will stay in gaol for forty years. I am not an old man, nor am I weak in health; I am one of the fittest Members of this Parliament.

Therefore, I am not worried about being sent to gaol, and I wish to call upon all the young men in this House, to speak their mind to save Kenya, and not to fear telling the truth because they will be detained. I am more fit than these old men.

With these few remarks, Mr. Speaker, I feel the Government will—

The Speaker (Mr. Slade): Order, order. We must not have so much noise that the hon. Member cannot be heard at all. Will hon. Members please consider their dignity a little.

Mr. Shikuku: With these few remarks, Mr. Speaker, I leave this question entirely in the hands of the Government with the hope that, in the interests of Kenya, the present attitude—which, of

course, they are now denying—will be rectified, because if it is not rectified all our talking here will be of no avail but will be of destruction. I hope the Government will accordingly adjust its attitude and employ people, not on a tribal basis—this also applies to the Police Force and the Army—but on merit and ability, in practical terms and not in theory.

With these few remarks, Mr. Speaker, I beg to move.

(The question was put and negatived)

The Speaker (Mr. Slade): We shall go on to Free Lance Motions now, because we have had our two hours.

MOTION

PLANS FOR FARMING AND RANCHING ENTERPRISES

The Speaker (Mr. Slade): Are you ready to move your Motion, Mr. Maisori-Itumbo?

Mr. Maisori-Itumbo: I do not think that the time is enough, I would like to be given time next week.

The Speaker (Mr. Slade): I have told you if you want it you must move it now.

Mr. Maisori-Itumbo: Then Mr. Speaker, I beg to move the following Motion:—

THAT this House requires the Government to prepare and put into operation plans for the progressive increase of production in all types of agricultural farming and ranching enterprises, to ensure an adequate modern standard of living for the young farmers, and to enable them to make a useful contribution to the national economy of Kenya.

Mr. Speaker, Sir, first of all, before I come to the point of my Motion, I would like to draw the attention of hon. Members to the fact of the new Kenya, where we are now. It should be remembered that it is only a few years ago that the common man of Kenya had no Member of Parliament in this Chamber to whom he could make his complaints when he felt that he was being unjustly treated by the landlords. Mr. Speaker, Sir, he found himself being swept along in a current of change brought about by the coming of the settlers to his country. Consequently, Mr. Speaker, he found that his old safe world was falling in ruins about him. Mr. Speaker, and he had nobody and nowhere to turn to. To come back to my point, you will find that they used aeroplanes to survey the

[Mr. Malsori-Itumbo] country. They took planes, and they had a very thoroughly trained survey team which went over the tribal lands of Kenya, and they had names given to various parts of soils. Some were given names of high potential areas, some were called lower potential areas. Mr. Speaker, a poor African man in Kenya who had no power and no knowledge when we were fighting tribe against tribe, we had no knowledge of using machinery to farm the country. Our land was taken by them. It was like that until the K.A.U. was formed. Mr. Speaker, K.A.U. then regarded itself as the means by which an African man could express his legitimate aspirations. Again, Mr. Speaker, K.A.U. was nicknamed *Mau Mau*. For the sake of the establishment of an everlasting domination of the landlord to Africans Mr. Speaker, the country has now achieved here Independence, and the reason why I have brought such a Motion in the House is that now that Kenya has achieved her Independence, the Members of the Cabinet, the leaders of Kenya as a whole must be very much aware and watch very carefully to see how they develop the country. Now everyone understands that we get so many loans, or various loans are promised to us from various foreign countries to develop our land both agriculturally and in other ways, as well.

Mr. Speaker, to my surprise if I am allowed to quote I have a book here and in it there are figures which have annoyed me very much. They are these "High Density Schemes to be developed with the British Government or Federal German Government loans. (1) Maragwa Ridge (Kikuyu), completed, 229 smallholdings. (2) Kiganjo (Kikuyu), completed, 275 smallholdings. (3) Mweiga-Amboni (Kikuyu), 1st Phase, 264 smallholdings. (4) Naro Moru (Kikuyu), 1st Phase, 500 smallholdings. (5) South Kinangop (Kikuyu), 1st Phase, 450 smallholdings. (6) Wanjoli-Kipipiri (Kikuyu), 1st Phase, 1,000 smallholdings. (7) Eldama Ravine (Tugen), 92 smallholdings. (8) Elgeyo Border (Elgeyo), 250 smallholdings.

The Speaker (Mr. Slade): Order, order, Mr. Jahazi, a Member must not pass between the Chair and the hon. Member who is on his feet.

Mr. Malsori-Itumbo: Mr. Speaker, the figures of smallholdings given in these particular people or areas is about 4,830. Mr. Speaker, when they give 4,830, everyone understands that they only took over all these good areas like Kericho, Sotik, Rift Valley as a whole, Kiambu and the rest, all this vital land. They do a lot of development in such areas.

Mr. Speaker, the places like Nyanza, where I come from, have nothing, and when the time came for these settlers to leave they were selling farms to some particular people. This is also the same as the previous Motion. Now, Mr. Speaker, if we stop and think how other people are getting these loans and others not, we feel already that we are being left stranded by the Government who are getting money from Britain and other countries, but who, in giving it out, are being tribalistic. Mr. Speaker, the people who are protesting again are the very people who are living in the nearest areas. It seems that when we are talking of tribalism among civil servants and the Civil Service we should also bear in mind that it is equally true in the land settlement schemes. Mr. Speaker, Sir, these are my suggestions. Such areas like Nyanza and the Western Region are very useful as far as cash crops are concerned. In the Western Region and Nyanza we can grow such cash crops as ground-nuts, sim-sim, cotton, coffee, tea, wimbi, maize, sisal, wheat, cassava root, potatoes of all kinds, wattle trees and things like that. Recently, I went to see one of the Ministry's senior officers, because I had formed a union called the Kuria Transport and Traders' Union. They wanted a loan to enable them to carry on with their business. Mr. Speaker, a certain European who met me was very unwilling to listen to what I was saying. It was funny to me to learn that the man thought I was after a Communist loan, but I was told later that with the British people leaving the country they have made arrangements for the handing over of everything to the most powerful men in Kenya. When they do leave they will surely leave many people suffering. The answer was that Government will only consider the applications of those who live near Nairobi and, because you are not near Nairobi area, so that the title deeds of land and so many other documents are available, and also that you are not the right person to have this loan. I wonder what type of people are going to get these loans, Mr. Speaker.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, on a point of order, I do not want to ask the hon. Member to substantiate, because this may embarrass him, but I am wondering, rather than asking him to substantiate here, whether you can possibly rule—obviously he is talking about either my Ministry or the Ministry of Settlement—that he let us know the name of this particular individual?

Mr. Malsori-Itumbo: Mr. Speaker, I am giving a general view. I am not particularly referring to the Minister of Agriculture. I can substantiate and give the name of this senior officer in another

[Mr. Malsori-Itumbo] Ministry. I would like to say that the Ministry of Agriculture is one of the best functioning Ministries we have in this country.

The Speaker (Mr. Slade): The Minister is still asking you to give particulars, including names, of whatever Ministry is concerned, and if you will undertake to do that he will not require any further substantiation in this House.

Mr. Malsori-Itumbo: It is the Ministry of Commerce and Industry.

The Speaker (Mr. Slade): Will you undertake to give the name of the man concerned to the Minister?

Mr. Malsori-Itumbo: I have already done so.

Mr. Speaker, Sir, as I am drawing the attention of the Members and the Minister for Agriculture to this Motion that although I have brought this Motion to the House, I want to assure them that since the Ministerial Committees were formed we have never seen the faces of some of the Ministers. This is the truth, we have never seen their faces and we do not know what they are doing. However, the Minister for Agriculture has been calling his Committee from time to time. This Motion is trying to wake the Minister for Agriculture, to make him see all over Kenya and not only near Nairobi. We are tired of being left out, other people are progressing faster. I do not know what Government thinks of development in Masai areas. Why should it always be in Central Region? Why can't you move all over Kenya?

Mr. Speaker, Sir, I have another quotation to give on this from this particular book, because I think this Motion is very useful. Sir, the project for smallholdings which is being considered in Nyanza reads as follows: "No land has yet been purchased for schemes, but considerable surveys and investigations have been carried out in Kibigori, Songhor and Muhoroni areas, but no priority has been given to this scheme." This was Nyanza Region in 1962; the end of it, I am wondering what is the latest report in 1963. What project is going to be given to Nyanza and what progress has the project made that was started at the end of 1962? This was for an area to be developed in Nyanza Region, for Kuria and Jaluo. I consider this is too small and really those people need developments and other things. This is not the spirit of *Harumbee*. Even the African Government does not have the spirit for making Kenya recover. It is time for us to wake up, otherwise we will find one morning that Kenya is corrupt. We will see other people benefiting from various other

things, but we will only stay on the shores watching and seeing. Now, for example, my tribe, the Kuria, were given practically nothing; nowhere to settle, not even a piece of land anywhere. Nobody has been taken as a Permanent Secretary to any Ministry, but we have men with the necessary qualifications.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I am seeking your guidance on whether the hon. Member is not going beyond the Motion by referring to appointments in the Ministries on a tribal basis.

The Speaker (Mr. Slade): The Member is going fairly wide but then the Motion is fairly wide. It is difficult to say that he has been irrelevant so far.

Mr. Malsori-Itumbo: I am sorry to say that the Parliamentary Secretary appears to be in ignorance of a point of order.

Mr. Speaker, Sir, to conclude I would suggest various things to be taken as major items in Nyanza Region and Western Region and elsewhere in Kenya. First of all, sisal factories are needed in every place where sisal is growing. Fish factories should be installed especially near Lake Victoria, starch factories, clothes factories, cassava factories, especially in Nyanza Region because we grow a lot of cassava; shoe factories would be very useful in Masai land because they keep a lot of cattle; timber factories, especially in areas where there is a lot of wattle and other types of tree.

The Speaker (Mr. Slade): I am afraid you have had your time.

Mr. Ngala-Abok: Mr. Speaker, Sir, I rise to second the Motion and to call upon the rest of the Members to support this logical Motion. This Motion is not only logical but it is also timely as it will enable Members to look at the Government policy as regards farming, in all aspects. Before I say anything else, I would just like to comment on what the Mover has said, that the Ministry of Agriculture in this country is an active Ministry and no Member of the Government can refute that because it is working with its Parliamentary Committee that is able to get a chance to be informed as to what is going on. However, there is one thing which we must bear in mind: the fact that we are operating this Ministry does not mean that the Ministry is doing very much. The Ministry may be doing nothing and yet the Committee keeps on meeting; the Minister every week and every month. Therefore, we cannot help feeling that something is lacking.

[Mr. Ngala-Abok]

and that at sometime you may get some white man who will keep informing you about what is going on but meantime nothing is being done in the real sense of the word. We are questioning a number of things with this Motion, and I know that the hon. Minister for Agriculture will, as usual, answer us, but we are warning him that when a Minister is answering he must be responsible for what he says and what he says must be implemented by his officers in the field. We have a feeling that there is a tendency developing here that when a Minister speaks he only speaks to Parliament and then when one goes to ones area to find out whether what the Minister said has been communicated to the people, one finds that they are all at sea, no one knows what the Minister said. So we are beginning to think that the Ministers speak to the Press and the things remain in the Press and when one goes out to the local officers one finds that they do not know what the head of the Ministry has said. So, you must be very careful of your officers in the field, Mr. Minister.

What I want to say is, we want this Ministry to be treated like the Ministry of Health. This afternoon I criticized that Ministry because the Africanization there is on tribal lines. Now, I want to point out to the Minister one thing there is a training school in nearly every district if we are not careful there will be one in nearly every local area. But if one turns to the Ministry of Agriculture which, I think, is the most important Ministry existing here and the most difficult Ministry because it is so complicated and needs capable people—we must point out that our people need to be trained right at home. I have asked several questions myself and I have been told that enough sugar-cane is not grown and therefore a brown sugar factory is not necessary; there is no fruit, therefore nothing will be done about it. In other words they want to make me unpopular in my constituency and make me sit here doing nothing for my people. What has the Ministry done to train my people to know that certain fruits are required, that the acreage required is so much, that the soil required is such and such a type? These officers should go to the field and explain these things to our people. I quite agree that in certain areas people do not like farming and that therefore the Government cannot go and farm there for them, but we must see the Government acting and this is why I am suggesting that we must get training, even if it is not very efficient. At least, in nearly every district, where there are old and young men and women, they should be lectured say twice a week or else a full school should be set up. Our only

existence is drawn from the fact that we are eating and we eat what we get from the soil. Therefore, if this Ministry cannot extend its voice to the people, to explain to them that the only answer is to farm properly, then I think when the Minister comes to tell us this because he wants to defeat us. He comes to tell us that there is no fruit in any district. He tells us that there is no money available for the farmers' training centre. Are we waiting for the moon to give us this farmers' training centre? If some State of Emergency is declared by the Government, then you would see money pouring in to combat that situation. But when we ask for a normal thing, a simple farmers' training centre, then the Government has no money, money is in short supply. These are the sort of backward-looking answers that I am not prepared to stomach in future. I have met these people in local places and I have talked to them. Some of the Agricultural Officers in the field do not even know what agriculture means. You may be talking to one of the officers and ask him what he intends to do and he may show you a plan which he himself does not understand. Then you find that the Ministry has sent him to England for two weeks to learn something to come back and teach to the district people. Yet they may have been working with the Government for the past twenty years. I am asking that the Ministry of Agriculture should do what the Ministry of Health is doing, supply training centres even if they are small because our people are prepared to pay for whatever services the Ministry may give them. We can get these instructors, who go on bicycles to all the places and yet never visit any farms, into these training centres where they will be doing a valuable job. But you find a person going about on a bicycle doing practically nothing and never visiting the farms. What are they doing?

Another thing, Mr. Speaker, I would like to mention before I leave this Motion, is that we must approach this question logically. In certain areas the Ministry is simply reluctant to take steps and yet all the elected Members in this House wish to see land consolidation take place. Probably the Ministry wants to get one of their people to go into the district and the location. They just want us to make propaganda by sending someone into my area to check up on land. Yet the people agree that land consolidation should take place and that the only thing to be done is the local officers should be advised to meet the people and to begin practically to consolidate the land. This Motion is wide enough, no matter who is concerned. Land consolidation is a part of the country and no amount of time would be wasted on going to the districts to see

[Mr. Ngala-Abok]

that land consolidation is being put into effect. To prove the case, when we were first informed that land consolidation was a good system, the Government rushed ahead with it. At that time, they wanted to isolate certain land for Europeans but the people resisted. Now that they have their elected Members in all districts, these elected Members will advise them and will be responsible for seeing that their land is well consolidated. The Government should be encouraged to hurry up. Why are they reluctant now? They should go ahead.

When going to Nyanza I see land free, and then when I come here I hear about land hunger, land hunger, but we have these places. We must see that our people are sent to these places, regardless of who was owning them before. A system should be devised whereby this land can be owned on a co-operative basis. We want the Minister today—and the Minister is a citizen of this country, although his body is white—to tell us why people are not going to these places the formerly called White Highlands, now the Kenya Highlands. Our people should be moved there into villages to farm on the Kikuyu pattern. Let them live in those remote places and let them own land on that basis. This is another better way of farming. If we go on, scrabbling all over the place, there is nothing, nobody on the land lying empty, and yet we hear about land hunger, land hunger; I do not know where there is land hunger in Kenya, when I see plenty of land. There is no proper system for making use of this land.

Another thing I would like to mention, Mr. Speaker, when we are talking about this particular Motion, which is so wide, that I need not read it to the House, is that we should look at things like the bodies which are running these farming organizations, such as the Kenya National Farmers' Union. What is happening now is that the Kenya National Farmers' Union, which was mainly a European organization, is using a lot of propaganda to get some of our people into this organization. We want a complete reshuffle of these bodies so that people will be represented from all tribes and races and the Government should out-law racial organizations in every district, and a proper national farmers' union be formed. The Government must prepare legislation to enable these numerous racial organizations to amend their constitutions or to abolish these organizations. From Limuru to my home I usually drive through large areas of unoccupied land. Why can we not use this empty land? We do not want such racial bodies to be retained, we want them to be broken completely and completely non-tribal, non-racial and only economic

bodies formed where our people will have the chance to express their feelings. There are things like the Kenya Co-operative Creameries, and then you get the Africans saying that they are forming another Kenya Farmers' Creameries, and then this racial set-up is encouraged by our own Government without the Government seeing that it is wrong in an independent Kenya to have such separate European farmers' societies to rival Africans.

The other day the Minister for Commerce and Industry called a meeting here of co-operative society leaders, and when this meeting was influenced by Europeans, they said they were forming a national federation, which means the Europeans wanted to live here, the Asians live here and Africans live here, and yet the Africans are the most backward. Why not form a single body where the Secretary-General will be an African, the President a European—because we lack experience for the time being, or so they have made us believe—and we can have them as advisers in these places, but not as economic rulers? We use such awkward phrases like "federation". Who wants a federation in Kenya today? We want a national thing. If we have formed a national Government, we must have national farmers from all races, from all tribes. What I have said, I think, represents the feeling of the Government Back Benchers and it is high time we mixed freely in commercial and industrial organizations, without any racial superiority.

Another thing here is organized marketing.

The Speaker (Mr. Slade): I am afraid you have come to the end of your time, Mr. Ngala-Abok.

(Question resumed)

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Speaker, Sir, this Motion is so broad and so reasonable that I do not think there is anyone who would really disagree with the intention of the Motion. We probably would find cause to disagree with some words in it, but the intention is reasonable.

However, the point I really want to take up, Mr. Speaker, is the point which has been made by the hon. Member, Mr. Ngala-Abok, when he says that we spend too much time here talking—Ministers talk, Members of Parliament talk—and that he does not see action in the field. I entirely agree with him. What we really want is to see action in the field, but then we here, as hon. Members in this House representing the whole nine million people, should, ourselves, be the first to give an example. We should be the people interested in actions, not merely talking. In other

[The Parliamentary Secretary to the Treasury] words, we ourselves should ask now, not what the Government can do for us but, rather what we ourselves as leaders of our own communities can do for those communities. It is no use, Mr. Speaker, Sir, our having the old attitude of mind where we used always to say, "What is the Government doing for us?"

Mr. Speaker, Sir, the hon. Mover of this Motion said that when he asks why certain factories are not built in his place, he is told that they are not justified economically because the present level of production is inadequate to warrant the building of a factory. I would have thought myself that as a leader in that particular area he would have been interested in answering that fundamental, practical question. In other words, if you are told that in a given area the production of sisal does not warrant the setting up of a decorticating machine, then surely the answer is logical: that you must plant more sisal. It requires hardly any capital, Mr. Speaker. The African farmers who are working there are perfectly willing, as he tells us, to grow more sisal. Then I am only wondering, Mr. Speaker, why one has to wait until he brings a Motion to this House before he makes a campaign for more sisal to be grown in that area, before he himself takes up a *tembe* and demonstrates.

I am in fact heartened, Mr. Speaker, that more recently we saw the hon. Minister for Home Affairs giving a demonstration to his own constituents in Central Nyanza on how they should now plant more cotton. If they undertook to plant more cotton, then surely the demand for a factory would make sense because you would have enough raw materials there. The hon. Member should now ensure that people in his area are growing enough cassava. He is demanding a starch plant, and I agree with him that we should have a starch plant in Kenya. There is absolutely no reason why we should continue to import starch into this country when we grow the raw material, but then if the farmers in his area are only prepared to grow 1 acre per farmer of cassava, how on earth, Mr. Speaker, are we ever going to have enough raw material to have a factory in his area, another one in another district, another in Nairobi, one everywhere? What we really need is for the Members here to take a positive attitude towards development, to take it on themselves, not to shun responsibility, not to look for other sources for inspiration, to take it that it is they who should now guide the ordinary people.

I would like to see it begin as a result of this Motion that we commit ourselves to a campaign to ensure that the people grow more of these

crops, and then they can claim from the Government that those loans and the technical assistance they require are provided, otherwise we shall be talking here, as the hon. Member fears, for a whole year and nothing will happen.

Mr. Speaker, I am not the man to reply in detail to this Motion—the Minister is here and he will speak for himself—but I did want to stress that this is a change of attitude which must come if we really want to develop. I would like to take the opportunity, for instance, to congratulate the leaders in Masai country. They have not just sat and talked and said that there is no proper land tenure in the area, they have gone and called the elders, they have held conferences, they have agreed to change these things. If now they agree to change the land tenure and to allow those people who want to have enclosure to have the enclosure, then it is possible for them to demand that Government provides water. But, in so far as the Masai continue to be nomadic, you will not even know how to plan where to have your boreholes. I understand the hon. Member, my friend from Kajado, is leading this movement, assisted by the hon. Vice-President of the Rift Valley Region. This is the proper attitude, as I see it.

The Members who have spoken both come from an area where more cotton could be grown. The Government has announced that we want to build textile factories here. Indeed, one decision has been made and there will be a textile factory in the region. Where are we going to get the raw materials? Why should we have to transport cotton all the way from Kitui or other places to that area when your land there will grow more cotton? Why do you not follow the example of the Minister for Home Affairs and each weekend, instead of staying in Nairobi, go home and encourage the people to plant more cotton? This would be more sensible.

Mr. Speaker, I know that the hon. Minister will reply in detail, but I did want to emphasize that those of us who are in the planning job are as frustrated as the Members are by their speaking, because when we go to their areas we find that some of them have not been to their constituencies for a long time, and others, when they do go to their constituencies—

Hon. Members: Substantiate, substantiate.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): I can substantiate that statement.

I know that when these Members do go to their constituencies they are interested in behaving as though they were very big people, they are not

[The Parliamentary Secretary to the Treasury] interested in taking the *tembe* and digging. Let them dig and then we will consider their criticisms as genuine.

Mr. ole Oloitipitip: Mr. Speaker, Sir, in the first place I must congratulate the Mover of this Motion because it mainly concerns the neglected tribes of Kenya. I believe the Member comes from that tribe and I do too.

I totally agree with the Parliamentary Secretary to the Treasury when he says that if we want to have a progressive Kenya all the Members must act as an example to the rest of the country. However, I would like to assure him that in 1961 I, personally, led a delegation to the Governor asking the Government that it was high time the Masai should settle down and make use of their land; I stated that the people should settle down and not move from place and, therefore, I demanded money from the Government. What was the result? We did not get even a single cent.

The imperialistic Government has gone and I come now to the African Government which is now in power. In the manifesto of this Government they promised the public they would fight against poverty, disease and ignorance. The Masai people know it is high time they should settle down and I am glad the Minister for Agriculture has set up a development council for them so that through that council all the Masai work in a progressive way. After this council was set up I took the trouble of going round the whole country, holding meetings, telling these people this is what we want you to do and they accepted that. I assure the House today that 3,000 people have been given ranches, and when I went there on the 18th of this month I held a public meeting and these people said to me: "You told us that the Government was prepared to support us. Now we have cut the land up into individual ownership and group ownership, where is the money? We want water but there is no money to bore for water." How do you expect us to go on like this? If the Parliamentary Secretary to the Treasury wanted me to work for the good cause, how can I do so when there is no money? I told my people certain things and they agreed to co-operate, but if the land has no water how can these people be expected to settle down if they, have no money with which to bore for water from the land?

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Sell your cattle.

Mr. ole Oloitipitip: We can agree to sell the cattle we have but I do not think, at the same time, that all the people of Kenya who have been

given loans have been asked to sell what they possessed.

What I would like to emphasize, Mr. Speaker, Sir, is that most of the money which the Ministers get from abroad goes to the very people who work here in the Government. I believe that the Ministry responsible for distributing this money distributes the money to the Ministers holding portfolios but the rest of the people are forgotten. Yet they say that in the spirit of *Harambee* we should work together. I would like to tell the Minister for Agriculture that we are not poor, we have some land, we have sufficient people to work and all we need is the capital. The capital should be divided equally between all the people of Kenya.

The Government said that it would give priority to the neglected tribes of Kenya. The Masai are waiting to see what Government will either loan or give them but so far nothing has been done. Two days ago I told the Minister that I would like him to go to Masailand and see for himself what are the problems, what are the needs of the people. What he told me was that he was not prepared to go to Masailand because he relies on the reports he gets from the local officers. When I also told him that we would like co-operation he said he would consider this. The Minister is there to see to the interests of the people, he should tour the country and see for himself so that he can come back here and say to the Government that such and such must be done for Masailand, or Kuria land or even in Kamba land; but merely to sit in Nairobi does not help anybody. I do not think the local officers are doing their level best to help the people and to rely on their reports is not working in the progressive interests of Kenya. Therefore, Mr. Speaker, it is high time that everybody worked in the interests of the country.

I am also told that the Minister for Agriculture and the Parliamentary Secretary recently visited Egypt to find a market for meat and we are told that there is a great demand for meat there. We know that we can produce a lot of meat but we are told that most of the Masai cattle are infested with rinderpest and other diseases and, therefore, are not acceptable in Egypt. I suggest, therefore, that once we get money so that the people can settle down and make use of their land, and there is money available to eradicate all these diseases then we can work hard, so that in future we shall not be accused of the fact that our cattle are not good. If our people do not get the money they need, it will lead me to believe that because the Minister is a farmer and a settler he would like only the meat from the Kenya Meat Commission

[Mr. Ole Oloitipitip]

to go abroad and not from the cattle of the local people. Therefore, Mr. Speaker, it is very important that these diseases are eradicated and we get people to produce clean meat. We should establish schools, for training these people in that direction, all over the country.

Now I come to the point of land hunger. I believe there is land hunger.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie). Where?

Mr. ole Oloitipitip: In the Central Province there is land hunger already. That is why Kikuyu scatter as far as South Africa today.

If the land that we have is equally distributed, I believe that through hard work, which the people will do if they know that through their efforts the country will be rich, we shall be able to employ some people in the towns and it will not be necessary for every person to claim that he must have land.

Mr. Speaker, Sir, I support this Motion.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie). Mr. Speaker, Sir, one of the easiest things to do as a Member of this House is to stand up in this House and attack Ministers. I intend to put the Member for Kajjado in his place. I am going to be hard, ruthless and frank, and if he does not like he can just accept it or walk out. I am going to tell him a few home truths about him and his Masai people.

Now, Sir, the Masai land unit as we know it today, is the most productive area in Kenya which is lying idle. It is lying idle for the simple reason that the people who you lead, up to now, have not been prepared to develop it properly. It does not need money from Government to develop it properly. You have high potential land in that area where, if you took up a *jembe* and dug, you would make money and good money.

Mr. ole Oloitipitip: We are cattle men.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): If you are cattle men I am pleased to hear it, Mr. Speaker.

The Speaker (Mr. Slade): Address the Chair.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Yes, Mr. Speaker. Mr. Speaker, I am pleased to hear that they are cattle men and I hope that because of this the Masai people will be prepared to lease their land, which

is not cattle land, which is high potential agricultural land to those people—

Mr. Kamau: Is the hon. Minister entitled to talk about an individual person instead of confining himself to the Motion, Sir?

The Speaker (Mr. Slade): The Minister is answering what was said in the debate, I told him to address the Chair and he is doing so, but otherwise he is entirely in order.

Mr. Malinda: Mr. Speaker, on a point of order, is the Minister replying to the debate according to the Standing Orders?

The Speaker (Mr. Slade): No, he is not replying to the debate, but he is answering statements made in the debate.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, what I want to emphasize is that if the Masai maintain they are cattle men I am asking them, for the benefit of Kenya, to come to an arrangement to lease the land which is not cattle land to those people who can utilize it for the benefit of Kenya.

Mr. ole Tipis: On a point of order, Mr. Speaker, Sir, has this Motion anything to do with leases of land?

The Speaker (Mr. Slade): Yes, I think so.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, the hon. Member for Kajjado also said that I and my Parliamentary Secretary had been to Egypt to discuss meat. I do not know where he learned this but neither of us have been to Egypt to discuss meat. None of us have been to Egypt and he is obviously listening to rumours.

Mr. ole Oloitipitip: On a point of order, can I substantiate that, Mr. Speaker, because I am a member of the Government Advisory Planning Council and I was told this by the Parliamentary Secretary for Agriculture.

The Speaker (Mr. Slade): You cannot get up and substantiate.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): It is obvious, Mr. Speaker, that the hon. Members sitting opposite who come from Masai land are trying their best not to allow me to say what I want to say.

Mr. Speaker, Sir, it is no good the hon. Members from Masai land saying that they have been done down badly in years gone by. That may be perfectly correct and I am not prepared to argue

[The Minister for Agriculture and Animal Husbandry]

about it. All I am interested in is the future and, as I told the two hon. Members sitting opposite me at a meeting I held the other day, if they do not want Government to set up a council I will set up that council to go into the hon. Member's area who moved this Motion and leave Masai land.

Mr. ole Oloitipitip: What council?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): It is a council to help your people and develop your areas. As I said to the two hon. gentlemen the other day, Mr. Speaker—

An hon. Member: On a point of order, is the Minister right in trying to threaten the Members from Masai that he will not send a council?

The Speaker (Mr. Slade): That is not a point of order. I am getting tired of these fraudulent points of order. Hon. Members should by now understand what is a point of order and what is not.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I wonder, as I am replying on behalf of Government and will be taking up the twenty minutes, if I could be allowed a little extra because of the number of points of order which have been raised.

The Speaker (Mr. Slade): You are entitled to another minute but it is now time for the interruption.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): I will take it when I speak again.

MOTION ON THE ADJOURNMENT

COMPENSATION FOR DEMOLITION OF SHOPS: KARATINA

The Speaker (Mr. Slade): It is now time for the interruption of business and I will call on the Minister to move that the House do now adjourn.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Local Government (Mr. Ayodo) seconded.

(Question proposed)

Mr. Wamuthenya: Mr. Speaker, Sir, I am putting this on the adjournment today because you have allowed me to do so.

These eleven plots in Karatina were demolished during the year 1961. When a question on this was asked in this House no light was thrown on it and no real answer was given to me which I could pass on to those who complained to me. I have now come to the House to get some information on this.

As a legal proceeding in 1959 the African District Council and the Government gave Karatina the status of a town. The Minister claimed that it had not been authorized by the Government as a town. Since 1959 the African District Council and the Government have joined together and the Government has given a grant of Sh. 470,000 and the African District Council gave the same amount to pay for the demolition of the buildings and to pay for the landowners' crops at Karatina, etc. I do not see the reason why those people should not be compensated.

QUORUM

An hon. Member: On a point of order, Sir, is there a quorum in the House?

The Speaker (Mr. Slade): No, ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum and you may continue.

Mr. Wamuthenya: Thank you, Mr. Speaker.

Those people have submitted petition after petition since 1961 and they have been burnt with the feeling of injustice. At the moment the African Government appreciates their trouble and the poverty from which most Africans are suffering. Most of those people built on those plots in good faith because the plots were granted to them by the African District Council in the first instance. During those days there were no leases issued to Africans and as they trusted the Government they built on their plots. Of course, when they were being demolished they were not given notice, nor the reason for the demolition. The officer who carried out the demolition was a Government servant. I see no reason why those people should not be paid compensation.

I do not wish to dwell on this Motion very much, because it is self-explanatory. Last time when I brought it here as a question many of the hon. Members in this House supported it because they

[Mr. Wamuthenya]

found it was quite reasonable. Many of the people were paid and only the owners of those eleven plots were not paid a single cent. If there is a reason for paying the other people, there is no reason why the owners of the eleven plots should not be paid even now.

From my own point of view I hope that the Minister concerned will sympathize with those people and see whether this matter is legal, or if it cannot be dealt with on the basis of merit. As I have already said, Mr. Speaker, this is a matter I have brought on the adjournment, and I hope the Minister will give an answer so that we can come to a mutual understanding for compensating those people. They are very poor indeed and they have already lost quite enough money. The amount mentioned here, with the omission of one item, is about Sh. 267,000 for those eleven plots. Frankly speaking, those people are very poor and they were relying on this sort of income for themselves and their families. Now they cannot educate their families because the assets that they had previously, they had invested in those plots. I therefore call upon the Minister to say in what way he can sympathize with those poor people and pay them their money.

Thank you very much, Mr. Speaker, and I sit down with the hope that this Motion will be supported by the Members as they heard of it after the question which I brought into this House.

Mr. Warithi: Mr. Speaker, I rise to support this Motion on the Adjournment. What I intend to do is just to add a few facts to what the Mover has already said. The status of Karatina town, as the Mover has stated, was raised into a large new town in 1959 and that meant that he whole town had to be re-planned. New plans were drawn up by the Nyeri African District Council and in those plans shops had to be rebuilt and also the roads in the town had to be widened. When the Karatina town shopowners were approached they were told that they would have to put up new shops which were in accordance with the plans of the Nyeri African District Council. On top of that these shops had to be built on a bigger scale and with better planning in accordance with the regulations of the 11 shops. Now the question of the 11 shops, I would like the hon. Members to realize, comes in with the new plans of the African District Council. As I said earlier, the road had to be widened and there was the question of the 11 shops which were at the corner, had, according to the new plan, to be demolished so that the road could be constructed. The owners of these

shops, when they were told to demolish them, first of all said that they had built on the instructions of the Nyeri A.D.C. in the years 1940 and 1950. If they had to demolish them, they had to be compensated for the loss of their shops. The Government said that to enable them to continue with development of the new town, they had to demolish these eleven shops at the corner so that they could widen the road and put in the sewerage and electricity, and so on.

I happen to know quite a lot about this matter, because some people approached me in my capacity as a legal practitioner. What is more surprising is that in the year 1961, a Government servant, a district officer at Mathira division, when these people were not prepared to demolish their shops, ordered prisoners to go and do so on the pretext that the road had to be constructed so that the development plan for the new town could be carried out.

What I would like the Minister to explain to this House—I see he is taking down notes—is that if the reason was the development of a new town and these shops were demolished in 1961, up to this date—and I can challenge him on this—the road has not been touched—

Hon. Members: Shame, shame.

Mr. Warithi: These eleven shops were demolished, you can still see the stones lying there. Although the development of the town was started, it is not in the area where the eleven shops are. If they have not started on the road within a period of three years, from 1961, how can the Government justify the reasoning which they gave then, that they demolished the shops so that they could start building the town? I think it is only fair that the owners of these shops should be compensated, first of all for the loss of business, if that can be assessed, for all those years. If the shops had been not demolished at the time when they started building the town, then these people could have been in business all this time. The shops were demolished, though nothing has been done, and I think the Government should explain to this House and to the whole country why, after the Government has instructed the people to put up shops in which they can carry on business, increase their incomes and probably pay more taxes, that same Government should go back and order the shops to be demolished and destroy probably the only savings the poor men might have had to enable them to put up those shops.

With those few words, Mr. Speaker, I beg to support.

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, the question raised this evening by the Member for Mathira was once a subject of a Parliamentary question, and in answer to the question I said that the Government is not responsible in this matter for paying any compensation to the people whose shops were demolished in Karatina in 1961. I also said that there is no legal claim, as the hon. Member knows, which the eleven shopowners have in this matter. I said, when I was answering the question that we may say they have moral claims, just moral, but legally speaking, there is nothing that this Government, or the Government at the time, could do to compensate the people whose plots were demolished in 1961.

An hon. Member: Why?

The Minister for Local Government (Mr. Ayodo): I am going to tell you why.

These shops were built between 1946 and 1947, and at the time this was an A.D.C. market. It is true that when these people were building, they did so with the knowledge of the then African District Council, but in 1959, when it became apparent that the place should be developed—and if possible developed to a stage where it could become an industrial centre—the market was upgraded to a grade A township. The township committee, therefore, concerned itself with the question of new planning so as to prepare for the development which the people wanted and which we want. This meant, Mr. Speaker, that there had to be some rearrangement, replanning, of the market and of the proposed new industrial area or new trading centre. You cannot do it any other way; things have to be planned in a proper fashion. The market area itself was not large enough, and it became necessary to acquire much more land from the surrounding area so as to make it possible to plan. These people, who owned plots at what is now known as Ragati Corner, acquired them under temporary occupation leases. This is what I want to explain, because this is actually the answer. I know it is unfortunate, I have said so, but under a temporary occupation lease, you can be asked to move, and all that is necessary is that you be given three months' notice. After that time, the Government can demolish your shop by force. This is the law. This is the position, and these eleven men unfortunately had these plots under temporary occupation leases. Even now, at Dagoretti Corner, we have certain shops which have been owned by Asians for thirty years. If it should become necessary for us to do something in that area, all that will be necessary will be to give these people three

months' notice and they will move with no compensation, because they are not entitled to the ownership. It is unfortunate, but that is the fact, Mr. Speaker.

When this was happening, I would like to add, the state of the plots was not very good. I have talked about the titles. With regard to the demolition, as the hon. Member for Othaya has said, it is true that in 1961 a Government officer ordered these plots to be demolished. This was done because, as I have just said, under the temporary occupation lease if you are given three months' notice and you refuse to move or to demolish the building yourself, it then becomes necessary for the Government to take action. In fact, in their particular case, it was extended by a further three months' notice; in other words, they had six months' notice in all, which does not usually happen. After the first three months, the Government could move in and demolish the building, but in their particular case it was extended by a further three months.

Everything possible to help the eleven plot owners was done. For example, they were offered much bigger plots than the ones they owned, and in addition to that the new plots were to be given to them on leases of thirty-three years. That is, on the new plots they would have been much better off than on the old plots. This, unfortunately, they did not accept. I can see the reasons for not accepting, they may not have had money to go and build on the new plots, but I have explained what the position was and how it happened.

Now, on the question of compensation. It is true that about £23,000 was set aside for compensation to the people whose land was acquired for the extension of Karatina. This amount was set aside but it was given mainly to the people who had right of occupancy, people who had title to their land, and it was also given to the people around the area outside the old market area because their land was taken from them and their crops were destroyed. But as far as these people who held their plots with temporary occupancy leases, there was no consideration for them. I want to say, at this point, that this money was given, or was handled, by the local authority, by the Nyeri African District Council who was responsible for compensation. I said, in the introductory part of my speech, that there is certainly no legal claim in this matter. Many lawyers have tried it unsuccessfully, as the Member for Othaya will tell you. All persons eligible for compensation have been paid, and, as I have said, much as I am in sympathy with the eleven plot holders, there is nothing that I can do to get them compensation.

[The Minister for Local Government]

The money set aside for this has already been spent by the authority.

Mr. Speaker, Sir, that is all I have to say by way of an answer to the Motion.

Mr. Kamau: Mr. Speaker, Sir, I think this is one of the most important points we have had today. I have listened very carefully and very attentively and I think every hon. Member in this House must sympathize with these eleven owners of the shops which were demolished during the colonial régime and I think it would be morally wrong for any African Government to inherit such a crime which was done by the past Government. We all know very well that we have been fighting for African independence so as to rectify all the misdeeds and mistakes made by the first Government. It is a surprise to see our own Minister, the Minister for Local Government, taking the same position as that which was taken by the very unsympathetic first Government. I think it is our duty in this House, if we are true nationalists, representing the views of the people who elected us, to rectify and amend, even if by law, things which do not comply with the wishes of the people. One of the worst laws is this which authorized the houses of such people to be demolished. Yet we, as the Africans, can support this now. In my opinion, Mr. Speaker, I think it is high time that we should show the world that the country is ours and that we have the power even to alter this law. These people, Mr. Speaker, will see and know that most of the things which are happening today and most of the quarrels in this House, are because there are still among us some people who still think with colonial minds. I am not alleging that any individual does this, but I do not see how we can think that such a thing can come from an African.

This is a self-explanatory Motion, brought in sympathy with the people whose property was mistreated by the so-called colonialist Government. If we follow the same thing, I do not see how we can be called the representatives of the people and I challenge our Ministers to come here and side with any past decision when it is so wrong. If it was wrong let us go forward and show our people that we are now siding with them without fear. Therefore, Mr. Speaker, I will appeal again and again to the Minister for Local Government to intervene in this matter and to sympathize with these eleven people. He must see that they are compensated and he must go through the Local Authority Ordinance and see that what was done in the past is rectified. By so doing, all the world will know that the Kenya Government is

the Government of the people, by the people, for the people. To come here and say that because they had temporary occupation certificates the houses which were built with stone had to be demolished, what sort of a Government was it? It must have been a bad Government, why should our Government then side with it?

I therefore appeal to the Government and to this House, Mr. Speaker, and I support the Motion.

QUORUM

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Is there a quorum, Mr. Speaker?

The Speaker (Mr. Slade): Yes, I think so.

Mr. Odera-Sar: Mr. Speaker, Sir, I just want to bring one thing to the notice of the Minister. As we understand this issue, these eleven shops were demolished because the African District Council, or the authorities, wanted to build a road on this side where the shops were built. Yet we now understand that up to this moment the remains of those shops are still there, and the road which was supposed to be built has not been built. Therefore, Mr. Speaker, we do not understand the motive which was employed by the authorities in demolishing those shops, alleging that they were going to build a road there. Since 1961, right up to this moment, nothing has happened. Therefore, Mr. Speaker, I personally feel that it is important that this Government, elected by the people of this country, should take steps to see that the people whose property was destroyed by the past Government should be compensated. This property was destroyed almost overnight by the colonial Government, and steps must be taken to see that these people are compensated. All the property they had was invested in these shops and they were demolished. Yet up to this moment nothing has taken place in that area and these people are still going begging because all the money they had was invested in these shops.

Therefore, Mr. Speaker, I wish to draw this fact to the notice of the Minister. It is important that he takes this matter very seriously and if necessary he should take it to the Cabinet to see that these people are compensated.

With these few words I beg to support.

ADJOURNMENT

The Speaker (Mr. Slade): We have come to the end of our half-hour. The House is therefore adjourned until tomorrow, Friday, 28th February 1964, at nine o'clock.

The House rose at seven o'clock.

Friday, 28th February 1964

The House met at Nine o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

NOTICES OF MOTIONS

THEFT WITH VIOLENCE: VIGOROUS MEASURES

Mr. Gatuguta: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT in view of the recent widespread theft with violence in Kenya, this House urges the Government to employ vigorous measures in all cases of theft with violence and also urges the members of the public to co-operate with the Government and police in arresting criminals.

Mr. Gichoya: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

KENYA TO BE A REPUBLIC IN 1964

THAT this House urges the Government to take steps to make Kenya a Republic in 1964 within or outside the Commonwealth Organization.

REDESIGNATION OF KENYA GOVERNMENT AGENTS

THAT this House urges the Government to introduce legislation to redesignate Regional Government Agents as "Kenya Government Agents".

WATER SUPPLIES: MASAI COUNTRY

Mr. ole Tipis: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House urges the Government, in view of the fact that the past colonial Government ignored the development of the Masai country and especially the provision of water supplies, to give first priority in its programme to the provision of water supplies in order to alleviate the water hardships predominant in Masailand and enable the inhabitants to concentrate on other activities and play some significant role in the development of Kenya.

Mr. Rurumban: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

REDUCTION OF STOCK THEFT: EMPLOYMENT FOR MORAN

THAT this House, being aware of the steady increase of stock thefts by the Samburu and

Masai moran, calls upon the Government to find jobs for these moran, particularly in the K.A.R. and the police force, with a view to mitigating and reducing the present toll of stock thefts in the country.

DEVELOPMENT MONEY FOR SAMBURU DISTRICT

THAT in view of the fact that the Samburu District was neglected by the colonial Government in all spheres of advancement, this House urges the Government to offer the Samburu District a sizeable amount of money, similar to that given to the North-Eastern Region, to help the district to develop in the fields of agriculture, social services and education.

SETTLEMENT OF LANDLESS: MALINDI DISTRICT

Mr. Tuva: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT in view of the entire landlessness of the Africans in the Malindi District of the former Coastal Strip, the Government is urged to consider the allocation of funds for the purchase of all the private-owned land in the rural area and subdivide into *shambas* for settlement for the Coastal tribes.

IMPLEMENTATION OF LAWRENCE REPORT

Mr. arap Moi: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House, being aware of the need to stabilize the teaching profession for the good of our country, urges the Government to implement the Lawrence Report on the teachers' salaries at once so as to alleviate teachers' anxieties.

The Speaker (Mr. Slade): Has that been submitted to me?

Mr. arap Moi: I think so, Sir, I submitted it to the Clerk.

The Speaker (Mr. Slade): It has not actually been through for my approval yet. If it has not been approved by me, I am afraid it cannot be given. You will be able to give it again on Tuesday.

ORAL ANSWERS TO QUESTIONS

Question No. 64

GRADUATE DIPLOMAS FROM THE INSTITUTE OF FIRE ENGINEERS

Mr. Komora asked the Minister for Local Government:—

[Mr. Komora]

(a) How many African officers in the fire and ambulance services run by local authorities had obtained the Graduateship Diploma of the Institution of Fire Engineers (London)?

(b) Did the Ministry intend to establish fire service training institutions in Kenya so that interested persons could be trained locally?

The Parliamentary Secretary for Local Government (Mr. ole Konchellah): Mr. Speaker, Sir, on behalf of my Minister I beg to reply. (a) There is only one African of any rank in the whole of East Africa who holds the Diploma of the Institution of Fire Engineers. (b) This Ministry has no plans for establishing a fire service training institution but is aware of the need for such an institution and has begun investigations into the possibility of establishing one.

Mr. Komora: Mr. Speaker, Sir, arising from the junior Minister's reply, does the junior Minister therefore agree with me that this country today needs these officers?

The Parliamentary Secretary for Local Government (Mr. ole Konchellah): Yes, Sir.

The Speaker (Mr. Slade): Next question, question No. 6?

Mr. Ngala-Abok: May I ask this question, Sir, on behalf of Mr. Bala as he asked me to?

The Speaker (Mr. Slade): If you have authority to do so, you may, but it comes at the end of the list. I will come back to that.

Question No. 70

PRIME MINISTER'S CARS

Mr. Masinde asked the Minister for Finance and Economic Planning if the Minister would tell the House:—

(a) How many cars had been bought by Government for the use of the Prime Minister and other Ministers?

(b) What was the total cost of all these cars?

(c) If they were free gifts which were the countries which offered these gifts?

(d) Were they personal or Government property?

The Minister for Finance and Economic Planning (Mr. Gichuru): I beg to reply. (a) One car only. This was bought for the official use of the Prime Minister in accordance with the provision

of £7,000 made under Subhead F in the estimates for Vote 6, which have been approved by the National Assembly. (b) £6,994-11. (c) The car was not a free gift. (d) The car is Government property.

Mr. Masinde: Mr. Speaker, Sir, arising from the Minister's reply, does the Minister imply that there was only one car bought for the use of Ministers, including the Prime Minister's car?

The Minister for Finance and Economic Planning (Mr. Gichuru): Exactly.

Mr. Masinde: Arising from the Minister's reply, was this necessary that we have the Prime Minister's car other than those already in the House?

Mr. Shikuku: It was mentioned.

Mr. Masinde: Mr. Speaker, is the Minister suggesting to this House that other cars, those which appeared in the papers were not free gifts to the country?

The Minister for Finance and Economic Planning (Mr. Gichuru): I would like the questions to be a little more specific. I do not know to which cars he is referring.

Mr. Masinde: The two Mercedes Benz cars that appeared in the Press. Let us get a definite answer as to whether they were personal cars or gifts to the Government, or were they bought by the Prime Minister himself?

The Minister for Finance and Economic Planning (Mr. Gichuru): The one the Member is referring to is a private car of the Prime Minister, he bought it himself.

Mr. Omar: Would the Minister say whether it was correctly reported in the Press that the Kenya Government received a gift of eight Volkswagens from Germany and twenty-four lorries from America, and if that is so, could he tell the House how these cars were distributed.

The Speaker (Mr. Slade): I think I am right in saying that it is out of order for a question to refer to a Press report.

Mr. Masinde: Mr. Speaker, Sir, arising from the Minister's reply, is he now suggesting that with this provision it means that Ministers have provision to live in luxury to afford such luxurious cars?

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, this car as I said earlier was necessary, it is for the use of the Prime Minister, on ceremonial occasions, and we feel that our Prime Minister should have that dignity.

The Speaker (Mr. Slade): In view of the fact that the purchase of this car was approved by the House, it is no good asking questions about the rightness or wrongness of that now. We will pursue the rest of the question.

Mr. Mbogoli: In view of the fact that Kenya bought the car for the Prime Minister, will all the gifts, in the form of cars, be sold so that the money goes to the National Fund?

The Minister for Finance and Economic Planning (Mr. Gichuru): It would be very wrong, Sir, if I were to go round collecting peoples' gifts and selling them. I am sure the questioner would be the first person to agree with me that it would be wrong.

Question No. 73

RESIDENT MAGISTRATE FOR BUSIA DISTRICT

Mr. Makokha asked the Minister for Justice and Constitutional Affairs, what steps had the Minister taken to provide a resident magistrate for Busia District so that litigants and others concerned could be saved going the long distance they had to go at present to Bungoma.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. Owing to a shortage of resident magistrates, it is not possible at present to station one at Busia. This situation will be eased when more qualified African lawyers become available for appointment. In the meantime, there are three administrative officers at Busia who are magistrates, and there are two African courts near Busia which deal with a great deal of work.

Mr. Makokha: Mr. Speaker, Sir, even in Bungoma there is no resident magistrate. We have visiting magistrates from Kisumu or Kitale. Could we not have the same for Busia—a visiting magistrate from Kitale or Kisumu?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I thought the speaker should be very happy that this district is one which has not enough crime to justify having a full time magistrate. This is a complement to this district. But it appears he wants to have a magistrate. I do not know what that implies, but at the moment the volume of work which is there is being handled, and as soon as we can ease the situation we shall do so.

Mr. Gichoya: Mr. Speaker, Sir, arising from the reply to the question about having visiting magistrates, I believe that the Minister did not give an exact answer, and we would like to know the

correct position, whether he is willing to provide a travelling magistrate who is moving from one district to another.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, it is not my policy that we should have travelling magistrates. We should, as far as possible, have magistrates stationed in different places, and that is what we aim to do. As I have already said, there are three district administrative officers there, and there are two African courts.

Mr. Makokha: Is the Minister aware that these officers cannot try cases which normally go before the resident magistrate?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I am not aware there have been any particular difficulties. Whenever there have been cases which should not be tried by administrative officers, they have been dealt with adequately.

Mr. Masinde: Mr. Speaker, is the Minister aware that in view of the fact that the magistrate is absent from Busia district, most of the cases go to Africans courts where they do not get a fair trial?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, if anyone is aggrieved he has the opportunity to appeal or to make a complaint, and if the hon. Member is aware of any specific grievances I will be very happy to examine them, to look into them. I do not believe it is fair on the African courts to make wild general charges of this nature.

Mr. Ngala-Abok: Will the Minister tell the House in what manner these magistrates are appointed, because as far as I know we have a district in South Nyanza where there is no magistrate, and now we are talking about Busia which is a district that does not have one.

The Speaker (Mr. Slade): Mr. Ngala-Abok, are you authorized to ask Mr. Okuto Bala's questions?

Mr. Ngala-Abok: Yes, Sir.

Question No. 67

TEACHERS' DISSATISFACTION WITH CONDITIONS OF SERVICE

Mr. Ngala-Abok, on behalf of Mr. Bala, asked the Minister for Education if he was aware that full-time Primary School teachers in Kenya, especially in Central Nyanza were very dissatisfied with the present conditions of service and that consequently many were leaving the teaching profession.

The Minister for Education (Mr. Otiende): I cannot agree that the teachers in Central Nyanza are particularly dissatisfied. There are always a number of resignations from the teaching service for a number of reasons other than dissatisfaction with conditions of employment. There have been eight resignations in the past three months in Central Nyanza and I do not consider this to be very abnormal.

It is true that the teaching profession makes certain demands on teachers, and that the teachers have asked for certain of their terms of service to be improved. It is intended to set up a Kenya Teaching Service Commission which will regulate these terms and conditions of service. Discussions on the form and shape of this Commission are presently taking place. This Ministry is very anxious to see that the terms of the teaching profession are made more satisfactory.

Mr. Ngala-Abok: Mr. Speaker, is the Minister aware that the implementation of the Pratt Report is a part of the frustration of teachers?

The Minister for Education (Mr. Otiende): Yes, Sir.

Mr. Ngala-Abok: What is the Ministry doing to implement it as soon as possible so that we can keep these teachers?

The Minister for Education (Mr. Otiende): The first Report was found impracticable to carry out in entirety and the teachers, themselves, were not satisfied with the Report as well, and therefore the Government could not carry out the terms of the Pratt Report, and the Government has put no White Paper before you. Meanwhile, an Education Commission has been appointed, which among its other terms of reference, will examine whether we should carry out this Pratt Report or not. However, I would like to tell hon. Members because they may not know this, that there is something in the Pratt Report which makes it not quite acceptable to teachers. The essence of the Pratt Report was to make the teaching profession cheaper to the Government, and I am sure teachers who want promotion would not like their terms of service to include a reduction of salaries.

The recommendations of the Pratt Report will benefit certain people but not others. I am still examining the report to see whether it should be carried out. Meanwhile, I am holding out until after the recommendations of the Commission.

Mr. Mairoli-Itumbo: Mr. Speaker, is the Minister aware of the fact that teachers all over Kenya are tired of all these Commissions being

appointed, without giving out any effective report?

The Minister for Education (Mr. Otiende): I am hearing it from the hon. Member, but as a teacher for many years myself, I understand the same conditions. There were many Commissions whose recommendations were not fully agreed with. I suggest that teachers should not be tired now, and in fact they are earning much more than they used to. A large number of motor-cars are owned by teachers, so I do not think they are as badly off as they make out to be.

An hon. Member: Is the hon. Minister aware that teachers are going across the border and getting better conditions?

The Minister for Education (Mr. Otiende): I am aware that teachers are going to Uganda, but I do not think they are any better off there.

Mr. Khasakhala: In view of the fact, the Minister has referred to some commissions from colonial days, could he tell the House how soon the teachers case will be dealt with?

The Minister for Education (Mr. Otiende): Yes, Sir. That is why I am telling the House. As the Pratt Report was a preliminary report, I am examining the matter again. For example, there is the question of the unified teachers' service. The country wanted a unified teaching service, but it received a different thing altogether. We are seeing how we can obtain a unified teaching service which will affect teachers of all kinds, whether they are black, white or brown.

Mr. Malinda: Arising from the Minister's reply, how soon does he expect a report from this Commission of Inquiry which he has instituted?

The Minister for Education (Mr. Otiende): If the hon. Member can remember, I said that the report should be in our hands by September.

Mr. Gichoya: Mr. Speaker, will the Minister assure us that because of the Commission's work, it can incorporate certain good points of the report into the new report.

The Minister for Education (Mr. Otiende): Yes, Sir.

Mr. Ngala-Abok: Mr. Speaker, there is a little confusion here. The Minister stated that the report of the Teaching Service Commission should be in his hands by September, but I hear that he has appointed a Commission to look into the educational system, whose report should also be received in September. Is it the same as

[Mr. Ngala-Abok] the Teaching Service Commission he has just told us about, and what are the terms of reference?

The Minister for Education (Mr. Otiende): I think the hon. Member is confusing himself. I said that it is intended to set up a Teaching Commission. This is a different thing from the Education Commission.

Mr. Kamau: Mr. Speaker, as the Minister has agreed that people are going across to Uganda because of the higher salaries there, will he assure this House that his Ministry is going to present an even higher salary for the teachers to prevent them from going to Uganda, and that they are going to be given satisfactory service in this country?

The Speaker (Mr. Slade): The Minister did not agree that they were getting higher salaries in Uganda.

The Minister for Education (Mr. Otiende): I do not agree, but I would like to say that we, as the Ministry of Education, do not want to lose our teachers. We will do everything in our power to stop teachers from going into the other territories. The Minister for Finance will be the first person to tell you that if you increase the salaries of teachers by a few shillings, it will amount to millions of pounds. It is a very difficult situation, but the Government is seeing how the terms of service can be improved. There have been complaints about houses, and they would need a loan of five million pounds to provide housing for teachers alone. As this subject is so important, I would like hon. Members to agree that we are tackling it in the best possible way.

Question No. 69

LAND PURCHASE FROM CENTRAL LAND BOARD: NYANZA PEOPLE

Mr. Ngala-Abok, on behalf of Mr. Bala, asked the Minister for Lands and Settlement:—

(a) How many Africans from Nyanza Region had bought farms from the Central Land Settlement Board during the period beginning January 1961 to 31st October 1963?

(b) What was the total acreage of land bought by Africans from Nyanza Region during the same period?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply.

Government land records, in accordance with the spirit of the new Kenya, which we are all building, are kept on a national and not on a regional or tribal basis. It is impossible, therefore, for me to answer paragraph (b) of the hon. Member's question as the information is just not available.

As regards paragraph (a) of the question, it is estimated, judging by the names of the purchasers alone, which are the sole criteria available to me, that the number of Nyanza Region inhabitants who have purchased land in the Scheduled Areas during the period of time under review amounts to eleven. This figure is, however, misleading when it is borne in mind that there are Luo people with Luo names who originate from the Western Region, that there are Abaluhya people with Abaluhya names who originate from the Nyanza Region, that there are both Luo and Abaluhya people who originate from the Rift Valley Region and that many of the Abaluhya names which appear on the Central Land Board lists may well belong to people who are inhabitants of the Nyanza Region.

Mr. Ngala-Abok: Mr. Speaker, Sir, is the junior Minister stating in fact, that he was unable to trace the people who obtained the land from the Nyanza Region?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, the farms which have been bought from the Central Land Board are normally those which have been bought as compassionate cases. When a man, or a group of people, apply to purchase the farm, the Central Land Board will satisfy itself that the men in question have the farming ability which is necessary. They do not go into the tribal origin of the people concerned.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the junior Minister assure the House that in future he will check his facts, because he said he was unable to answer para (b) as it was on a national basis, but at the same time anything national can still be treated tribally and regionally for the purposes of answering a question like this.

The Speaker (Mr. Slade): That is quite enough of a speech now.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, the answer is no, because we do not go into the question of a man's tribe or indeed the origin of the area from which he comes when he wishes to purchase a farm.

NOTICES OF MOTIONS ON THE
ADJOURNMENT

DISCRIMINATION IN SECONDARY SCHOOLS

The Speaker (Mr. Slade). I have to inform hon. Members that in accordance with notices received from hon. Members, I have allotted next Tuesday, 3rd March, for Mr. Anyueni to raise on the adjournment the subject of low and discriminatory intake of pupils into the secondary schools.

SHORTAGE OF PETROL, POLICE, WESTERN REGION

Secondly, for Mr. Makokha to raise on Wednesday, 4th March—if the House is still sitting—the matter of the shortage of petrol at police stations in the Western Region.

MOTION

WITHDRAWAL OF STRANGERS FROM THE CHAMBER

Mr. Alexander: Mr. Speaker, Sir, on a point of order, under Order No. 5, in accordance with Standing Order No. 166, I wish to deal with this and move a Motion under this Standing Order. I am sure that the Government has very real and urgent reasons why they wish this legislation to be passed through this House in all its Stages today, and this does not give us the opportunity to discuss what is a highly delicate matter behind the scenes as it were. In order in no way to frustrate the Government in what they are attempting to do today, I beg to move that strangers be ordered to withdraw in accordance with Standing Order 166.

Mr. Speaker: I do this because this Bill was, I believe, put into our pigeon holes at eight o'clock last night, and certainly nobody other than the Ministers directly concerned can have had an opportunity even to have read it. It refers to other Acts, and it is impossible, in fact, to understand this Bill without referring to these other Acts. There are matters in here of very far-reaching consequence. I refer particularly to section 20 which refers to the declaration of prohibited immigrants by the Minister and apparently, as far as I can see, without any appeal at all.

Now, Mr. Speaker, do let me make myself clearly understood. I am not seeking to frustrate the Government in this. I am merely seeking a situation in which we can all talk freely across the Floor of this House to one another on a very delicate subject without the public, at this particular point in the proceedings, being in on our discussions. I would beg all hon. Members to support this procedure, because I believe if we go about it in this way we shall be clearer in our

minds at the end of today's proceedings as to exactly what we have done and why we have done it.

Mr. Speaker: I beg to move.

The Speaker (Mr. Slade): I take it, Mr. Alexander, that you are proposing that there should be a withdrawal of strangers during Orders 5, 6, 7 and 8?

Mr. Alexander: Perhaps we may be able to go back on Order 6. I think that when the Government have been able to speak to this without strangers here under Order 5, we may be able to proceed to the rest of it in the normal way. For the moment, I think if we confine it to Order 5, and we clear our minds as to what is worrying us, we may be able to come back and clear Orders 6 and 7.

The Speaker (Mr. Slade): It can be left to the House to decide when strangers should be re-admitted, so you need not qualify your Motion.
Mr. Shikuku seconded.

(Question proposed)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Speaker, if I understood what was said correctly, the withdrawal of strangers should apply only in as far as Orders 6 and 7 are concerned. In Order 5, the Government is merely seeking the permission of the House to have all the stages of the Bill taken today. In my understanding, he accepts that position. In the first place, surely we should dispose of the Motion, because in Order 5 we are not going to discuss the actual content of the Bill itself. We are merely going to discuss the question of whether all the stages should be passed today. The withdrawal of strangers from the House does not seem to be justified when we are taking these stages today.

The Speaker (Mr. Slade): Under Standing Orders, I cannot allow any debate of this Motion, but I can allow Mr. Alexander to explain a little further why he wants the withdrawal of strangers at this stage.

Mr. Alexander: Simply because under Order 5 the Government will tell us why it wants to restrict the publication of this to one day. This is the whole point. This is the point of having it on Order 5, to clear the air completely, and I think we shall proceed far more quickly, Mr. Speaker.

The Speaker (Mr. Slade): Now I have to put the question without any debate.

(The question was put and negatived)

MOTION

EXEMPTION FROM STANDING ORDERS: REDUCTION
IN PUBLICATION PERIOD OF BILL

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move:

THAT this House agrees—

- (a) that the Immigration and Deportation (Miscellaneous Amendments) Bill be exempted from the provisions of Standing Order No. 86 (Printing of Amending Provisions);
- (b) that the period of the publication of the said Bill be reduced from fourteen days to one day.

Mr. Speaker: The Government has always held to the policy that as far as possible it shall not encroach upon the privileges and rights of this House in the matter of giving them enough time to consider any Bill, and it has not been the policy of the Government to try and introduce measures here too urgently and with this much urgency. In this particular case, I wish on behalf of the Government to apologize to the House for the necessity on this occasion to ask acceptance of this Motion. The Government have very genuine grounds for asking that this procedure be followed. We are in the position just now in which there may be undesirable people in the country, or wishing to get into the country, but whom we cannot prevent; even though we know they are a security risk; even though we have ample proof of their activities or their intentions, we are unable to deal with them because the law does not allow us to do so. In some cases, it is required under the existing law that before we can prevent such people, we must go to a court of law and state very fully the reasons why we want to exclude them from the country.

Now, Sir, where this is a matter of national security it is then imperative that for security reasons no information is disclosed before action is taken or else action is taken when it is too late. It is partly on these grounds that we ask for this action. It will not interfere with the normal life of any Kenya citizen as these citizens are excluded from this new provision. It will only deal with non-citizens who wish to enter or who have entered and who are security risks. When any person is declared to be a security risk there will be very genuine grounds for it. I am sure the House would wish the Government to be in a position to protect the national security of this country and it is only for that reason that we ask for this Motion to be accepted.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

Mr. Muliro: Mr. Speaker, Sir, this Motion is very clear and as a result of the explanation by the Minister for Justice and Constitutional Affairs, on behalf of the Opposition we accept the Motion with no reservations.

I feel, Sir, that matters that affect the security of the State, and which will eventually endanger the citizens of Kenya, are of such gravity that we should get this Bill through in all its stages in the shortest possible time so that the Government can act if there is any undesirable person or persons here now. I think there must be a definite reason why this action has been reduced to one day only on this Bill. Kenya must be being threatened. With these few remarks, Sir, I beg to support.

Mr. Shikuku: Mr. Speaker, Sir, while supporting this Motion, I would like one thing clearly explained to me by the hon. Minister who is the Mover of this Motion. He pointed out during his speech that at the moment it is, according to the present law, necessary, if anyone wants to take any steps against any person who is undesirable or a danger to the security of this country, for the matter to be referred to a court of law before such a person or persons can be sent out of the country and that is why this Motion is here, to seek power that action on this Bill should be reduced to one day.

However, Mr. Speaker, I would like to know what happened in this case. In the newspapers some time ago it was stated that someone who was supposed to be a non-citizen of this country, Mr. Tumbo, was sent out of the country as being an undesirable. Did the same procedure take place, Mr. Speaker, namely, was the matter taken to the court and was it the court's decision that Mr. Tumbo should be sent out of Kenya and returned to the Tanganyika Government? I mention this, Mr. Speaker, because I do not know whether it is going to apply to some of the South Africans, as this has been mentioned in this House—it is said that so-and-so has been given so many hours or days to quit the country. Is this going to be included in this Bill. Are strangers and foreigners in this country to be given time to leave while others are not given any time?

The Speaker (Mr. Slade): Mr. Shikuku, you must remember that we are only concerned, at the moment, with Standing Orders. Discussion of the merits of the Bill will follow, so please confine your remarks now to whether or not you agree with this very urgent procedure.

Mr. Shikuku: Thank you very much, Mr. Speaker. I was trying to explain that, but I am sorry if I was going off the point. I am supporting the action, but I would like to have it explained by the Minister for Justice and Constitutional Affairs, why Mr. Tumbo was sent out. With these few remarks I would like to support it.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, on behalf of the Government, may I express our appreciation for the very helpful attitude taken by the Opposition, and I beg to move.

(The question was put and carried)

BILL

First Reading

THE IMMIGRATION AND DENONORATION (MISCELLANEOUS AMENDMENTS) BILL

Order for First Reading read—Read the First Time Ordered to be read the Second Time today

The Speaker (Mr. Slade): Hon. Members, it is provided under our Standing Orders that we cannot take more than one stage of any Bill on the same day without the leave of the House. I therefore inquire whether we have the leave of the House to take the Second Reading of this Bill today?

As no one is objecting we have the leave of the House

(Second Reading with leave of the House)

BILL

Second Reading

THE IMMIGRATION AND DEPORTATION (MISCELLANEOUS AMENDMENTS) BILL

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, Members will not have had enough time to read through the Bill, but I would like to draw attention to page 48, Memorandum of Objects and Reasons. Here Members will see the Objects and Reasons for this Bill. The purpose of this Bill is to make amendments to certain laws relating to immigration and deportation, and to make certain consequential or incidental amendments for this purpose, and in order to reflect changes made necessary by the Constitution. Members will notice that the most significant change that is being made refers to the adding, at the end of the existing legislation, of a new section 20. This one, if you look at page 46, "The Powers of Prohibited Immigration on Security Grounds", is the new addition. Originally, there were powers to prohibit immigration on various other grounds,

and as I said in moving the original Motion, there were cases in which it was necessary to refer matters to the courts. Here we are going to have a specific provision which will enable the Minister responsible for Home Affairs, on security grounds, to prohibit immigration. It is also the intention that, on security grounds, if a person has already entered into Kenya he could be removed from Kenya. Under the existing legislation, persons who are British Subjects or Africans—Africans, for example, from our neighbouring territories—can come into Kenya without any restriction and stay, even if they are engaging in subversion, and acting against the national security of this country, without our being able to exclude them from Kenya. It is these kinds of cases that must be covered or else our country is an open ground for people who have committed crimes across the border or who are dangerous or who wish to come in and create trouble, to do so without any restriction whatsoever. It is this kind of thing that we are trying to prevent. Our present laws deal mainly with aliens which is a very limited and very narrow sense in so far as our security is concerned.

Having said that, Sir, the only other amendments are, as it were, to clean up the existing law in certain respects. For example, under the existing law, all of us, although in an independent country, are still referred to as British subjects, in the meaning of the Immigration Act. Now, clearly, we are not British subjects and it is the intention that we take this opportunity to delete reference to British subjects in the Act so as to bring the law into line with our new status. We will, from now on, refer to ourselves and other people as members or citizens of the Commonwealth and not as British subjects.

Now, Sir, I do not think there is any need to say very much more on that because that is, in effect, what the Bill intends to do. I want to emphasize that our national security is of such importance that we cannot leave any loopholes, any chance for anyone, whoever he may be, to play about with it, and it is for this reason that we move this Motion.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

Mr. ole Tipis: Mr. Speaker, Sir, I do not think we ought to have any opposition at all or any long debate on a Motion of this nature because it is quite true that, whatever differences there might be, there is no difference at all as far as the security of our country is concerned. For the first time I think the Government ought to be

(Mr. ole Tipis)

congratulated for bringing forward such a thing at the right and proper time. I think, Mr. Speaker, it is quite true that we are all concerned with any threat, either from within this country or from outside, which threatens the national security of our country, and I think that the Government ought to keep its eyes wide open and deal with any would-be trouble-makers ruthlessly, even if they are citizens of Kenya. We are not going to have a country where the security is threatened and I think the Government has taken the right step, and I hope that they will deal with this matter very seriously. If I may say so, I would like to remind the Minister who moved this Motion that we are very concerned, because in this country we hear rumours that there are some subversive elements, not only from outside but from people who pretend that they are citizens of this country. Such people, whoever they are, whatever big posts they hold, must be dealt with very ruthlessly, and if possible they must be sent to Lodwar or some other remote place.

With these few words, I beg to support.

Mr. Muliro: Mr. Speaker, Sir, as I said before, I think, in due course, the Government must also bring before this House further amendments whereby we could deal with the Kenya citizens who are prone to be used by foreign elements as subversive agents.

The Speaker (Mr. Slade): I am sorry, Mr. Muliro, but we can only debate the merits of the amendments proposed, not make other amendments.

Mr. Muliro: Thank you very much, Mr. Speaker, but that shows exactly where my thinking is leading. Mr. Speaker, Sir, independence is a condition under which people can sit down and work for constructive development of their country. Now that Kenya is independent we do not want our Government to be marred by any undesirable elements in our country who might import ideological differences or ideological theories from other countries. This Bill, Sir, is very welcome—as I said before—by the whole country, not only by the hon. Members in this House, but by the whole country. Everyone would be very pleased to hear that the National Assembly has passed a Bill to this effect. Sir, people who might pretend to be the friends of Kenya are the very people who will undermine the integrity of the National Government of Kenya. By this Bill, Sir, whenever the Minister, or the protectors of security, find that someone is already in the country with an undesirable character, they can be removed. This

Bill is also welcome because now people from our neighbouring territories, say Uganda, Tanganyika or Zanzibar, cannot come here and be the agents of destruction in Kenya. Therefore this Bill, which prohibits and which empowers our Government to deal with those people, is very welcome.

With these few remarks, I beg to support the Bill.

Mr. Anyieni: Mr. Speaker, Sir, we are very glad that the Minister has brought forward a Bill of this type for our discussion. I have a few things to say, and first of all I would like to make one remark concerning some reports a few days ago that some people landed at the airport but were not allowed to come into Kenya, they were sent on to Tanganyika. It seems as if there has been a lot of discrimination against the citizens of certain countries who wished to come to this country. We know that some countries like Britain and America, the capitalist countries, have been our friends when we were under colonialism, and now very many of their people are here in the form of missionaries, in the form of traders, in the form of Pressmen, and in many other forms. Mr. Speaker, some of these people may be hiding and may be spies in the country, so now the Minister concerned should use this Bill to deal with such people. Also, Mr. Speaker, we have some people from South Africa who are in this country and who have been here for a long time. They owe allegiance to the South African Government, but they may apply for citizenship just to remain in Kenya so that they can give information to the South African Government. I think, Mr. Speaker, that this Bill can be very well used to rid ourselves of such people. There are also some people in this country—I beg to be excused by the members of the community—some Goans, who are very loyal to the man in Portugal. Some of these people, you will find, in their discussions are not pro-African. Some of these people, we hope, Mr. Speaker, will be sent out as a result of this Bill.

With those few remarks, I support the Bill.

Mr. Agari: Mr. Speaker, Sir, I have only a few things to bring out while supporting this Bill. Usually, when powers like these are given to Ministers, we have to state in this House that our Government should, use caution in using such powers. It is quite a temptation for a Minister to feel that he can act rashly, without proper information, without proper proof, and without time being given to find out whether the deportation of the person is not going to have international repercussions, particularly when he is not required to explain his action, or when the man to be

[Mr. Agar]

deported is not to be allowed time to defend himself. This means that a Minister may be tempted to act rashly. Times change, tensions come, and sometimes it is quite easy for us to act rashly and to cause international repercussions over our activities. We want to warn our Government that at all times they should be careful of how they use this power.

It is also quite remarkable that, if a Minister is to use this power properly, he has to have a system of security organization in the country which will always give him proper information. We are not sure whether our Government has such an organization for security checks in this country. We are not sure whether we are still using the old Colonial way, where things were being checked only with regard to those who were promoting African nationalism or who were promoting a kind of popular spirit in the country. So, if the Government wants to make sure that this is being practised properly, we want to know that the Cabinet has made a plan for the organization of a branch of the police force which will deal with checking security in the interior of this country.

A Member has remarked on certain countries which can still use former citizens of their states, or can use people of different origins in this country for their own influences. We suspect from the remark that a person from South Africa, knowing the position of Kenya, will always try to use certain people in this country to get them to provide information for South Africa. This, we know, can be done by South Africans who were formerly living in Kenya under the British rule, who can now stay on and perhaps change themselves into citizens to act for South Africa in this country. We want the Minister to organize security checking in such a way that this Bill will effectively clear our country of subversion and activities which are trying to undermine our younger people. I support the Motion.

Mr. Alexander: Mr. Speaker, Sir, in presenting this Bill the Minister dwelt on this new subsection 20, "the Power to Prohibit Immigration on Security Councils". When I spoke earlier, I expressed some worry about it and what I am going to say now is merely an attempt—from what I hope will be the Government's answer to it—to remove the possible fears and misunderstandings and doubts of those outside this House who may look at this section with some apprehension. The section does refer to national security. That does mean, Mr. Speaker, a direct reference to subversion. But, unfortunately, the section as now drafted

does not make this very clear. It does not make very clear what is meant by national security. Now, Sir, we must not be ignorant of the episodes that have gone on in neighbouring territories in recent months, regarding deportations. Whether in those cases, those deportations were ordered in the interests of national security or not, nevertheless there are many thousands of people in Kenya who may well read into these words some doubts and misapprehensions which are completely unfounded. We want people, our people of Kenya, to know quite clearly that if they go about their business, day by day, in a peace-loving way, there is no implication in this section that can reach out to them. As it is now drafted, the Minister, if he does not like the shape of a person's face, or their origin or anything else about them, can say that it is in the interests of the national security that such persons be deported from Kenya. I am sure, Mr. Speaker, that that is very far from the intention of this section, and I would ask the Minister to agree that, when the Government has more time and less of these real subversive characters on their hands, they should come back to this section and make it very clear that we are talking only about subversion. I think if the Minister could give this assurance today it would help the thinking of these people whose minds I am trying to interpret outside this House. I ask the Minister in all sincerity to take my assurance that I believe that I may be well interpreting these fears of people outside.

Mr. Speaker, we in this country, whatever else Africa may do, certainly do not want to get a reputation for unnecessarily ruthless and arbitrary action. That is the last thing that we want. Let other people be labelled with that if they like, and I believe that in the way that the Minister replies to these observations of mine may go a very long way to allaying the doubts of people in this country and of people all over the world who may be coming to this country, and of Government who may be sending people to the country to help us. I beg to support.

Mr. De Souza: Mr. Speaker, Sir, I would like first of all to welcome this Bill. I think it is very right and proper that our Ministers should have power to deport persons whom they consider are undesirable from the point of view of security. I notice in particular that this Bill gives the Government powers to deport persons who are British subjects and persons who are Africans. But, Sir, while supporting this Bill I would like to sound a note of caution. I would like an assurance that this Bill is, in fact, meant only to deport persons on grounds of security and no other grounds. The

[Mr. De Souza]

reason I say this is that I was very surprised the other day to read in the paper that a citizen of Tanganyika had come down to Kenya and taken a job at Nyeri and was sentenced to jail, to imprisonment, and charged by the Immigration Department for coming to Kenya and not reporting to the Immigration Department. Now, Sir, I appreciate that it is the law in this country that anybody who comes from Uganda or Tanganyika must, within 24 or 48 hours, report to the Immigration Department and get his passport stamped with a visitor's permit for seven or fourteen days, or for whatever period he is going to stay here.

However, Sir, this is also the rule in Tanganyika and in Uganda, and I would like to say that I have personally been to Uganda and Tanganyika about fifty times in the last ten years, and I have never taken my passport along, and I have never got a visitor's permit stamped on my passport. Similarly, I am sure all the Members of Parliament here, or almost all of them, have all broken the laws in Tanganyika and Uganda. Similarly, I think hundreds of thousands of people have come from Uganda or Tanganyika and have not brought their passports, or in fact many of them do not have passports. What I want to ask the Government is: was this particular prosecution an isolated exception, or is it intended to change the law so that everyone who comes from Tanganyika into Kenya, who does not in fact bring his passport and go to the Immigration Department, will be prosecuted and go to jail?

The Speaker (Mr. Slade): Mr. De Souza, I do not see how this is relevant to the Bill.

Mr. De Souza: Sir, it is in this regard, that it is desired to stop persons of African descent, and British subjects who could hitherto come in quite freely, and power has been given to deport them.

The Speaker (Mr. Slade): Without resort to the courts, whereas you are speaking of prosecutions.

Mr. De Souza: Yes, Sir, as you please, the point still remains that this Bill will, I hope, be used only to deport persons who have come here, and who are dangerous on grounds of security, and who are not otherwise merely coming here as visitors, and that it will not offend against the spirit of federation in East Africa.

Sir, the second point I would like to make is to support the points made by the hon. Mr. Agar. He said that our Government—which I can see in fact has already used its discretion very carefully—should not rush into deportations. It is the easiest possible thing to deport a person because he has no chance whatsoever to appeal to any court of law or to ask for an inquiry or anything

of that sort. Of course, I am quite confident that our Government will take great care to ensure that before a person is deported he will be given a fair hearing, and I would myself, Sir, request the Government to ensure that nobody is deported from Kenya until a full inquiry is made, albeit a private inquiry, into exactly what the circumstances of this particular case were and, before any deportation takes place, that particular person is called to a senior official and asked to explain the allegations which have been made against him and that he is given an opportunity of refuting those allegations and calling evidence to refute those allegations. I agree this could be done entirely privately, before the Minister or a senior official, but I believe that a person must be given a chance to explain the conduct of which he is alleged to have been guilty. Otherwise, Sir, there is always a danger that some person who does not like a particular individual might go to some senior official and say, "Do you know so-and-so said this and this to me?" and before the person knows what he is accused of, he may be on the plane ready to go to England, India or wherever it is. I am quite confident that our Government will use this power very sparingly and be very generous, and I am sure that whenever there is any doubt, they will exercise that doubt in favour of this particular person.

The third point I would like to make is in regard to what my friend, Mr. Anyieni, has said about Goans. It is quite true that the Portuguese Consulate in this country was not closed for a very considerable time, and I myself issued a statement to the Government saying that it should be closed. I am fully aware that there are not only Goans but all the members of the staff of the Portuguese Consulate are still in Nairobi, and they are still following their previous work, and they are still organizing Goans against this Government and that Government. I know them very well, they are the same persons who have harassed me for years, and who used to report constantly to the previous Government that I was a Communist who should be deported or sent to prison. They are still doing the same type of work; except they are doing it much more discreetly now. I think this is a case which requires investigation, and those persons who do not, and cannot, accommodate themselves with the spirit of this country should be at least politely told to go back to their homeland, Portugal, or wherever they consider they come from. Sir, with these few remarks, I beg to support.

Mr. arap Moli: Mr. Speaker, Sir, while supporting this legislation, I would like the Minister and the Government, as a whole, to be very cautious

[Mr. arap Moi] implementing it. We would like Kenya's reputation to grow very steadily, and Kenya's economy to grow. I would also like the Minister concerned to explain and to give clear assurances to the people of this country that this law is concerned only with security grounds. I would like to point out, too, Mr. Speaker, that the Government should watch very closely the Press people. I do not envy the Press people, but some of them pause at various places, and have larger cameras on them. I would like to know whether these are genuine Press men, or simply people who are pretending to be them to do a certain thing which would be a security risk. Therefore, it is of great importance to the Government that they should be very vigilant throughout in handling these matters carefully so that all of our citizens will feel that they are free and can live peacefully in Kenya. This is the only thing which I want to raise.

The second point is that we support this Motion in the spirit in which the Minister presented it, and I hope he will implement its legislation in the spirit that he indicated.

[The Speaker (Mr. Slade) left the Chair]
[The Deputy Speaker (Mr. De Souza) took the Chair]

The Parliamentary Secretary to the Treasury (Mr. Kibaki). Mr. Deputy Speaker, Sir, I have one point to make, which I think is important and will no doubt be re-emphasized by the Minister when he replies. Too many people already, in fact Members of this House, seem to be reading too much into the Bill. It seems to me, reading this Bill, that it merely adds one more ground on which the Government would be authorized to act against an undesirable person. The law already exists which permits Government to act against undesirable people on lots of other grounds and, in fact, it has already done so on various occasions. This one additional ground, national security, is of course the most important one, and it seems to me to mean that the Government asks this House to give it the tools, the means, whereby it can protect the nation.

There is no implication whatsoever that, merely because we make provisions, these provisions are going to be used recklessly. Indeed, we ourselves know that this present Government, since it came into power, has shown such a responsibility, contrary to all the forebodings of all the people who wished us ill, it has shown that the Government is responsible, is conscious of its responsibility; above all it is very keen to create an international image of a peaceful, responsible country.

Therefore, I would have thought that we could have expedited this business very quickly in the House, and not wasted too much time speaking about generalities which do not apply in this debate. Above all, Mr. Deputy Speaker, some Members have spoken about people from various countries, members of various nations, but I do not see where, in this Bill, it has been implied that the Government has anything against any particular nationals. It is merely that if any individual is found to be undermining the national security of this country, he will be dealt with as an individual. There is no implication anywhere in this Bill that it is aiming at nationals from any particular country. I do not see how this Bill can affect the foreign policy of the Government which is that of being non-aligned, and trying to be friendly with everybody who is trying to be friendly with us, Mr. Deputy Speaker. I appeal to the Members to expedite this business as a matter on which we are all agreed, and go back to the questions which seem to be more contentious. With these few words, I would like to support the Bill.

The Minister for Home Affairs (Mr. Odinga). Mr. Deputy Speaker, Sir, I would like the Members to hear a few comments I have to make on this Bill. As I am directly concerned I should like to comment on a few remarks which have been made by some hon. gentlemen in this House. Before I do so, let me assure the House that we have achieved our independence at great expense. Only to preserve that independence, we must be able to guard against anything which may disrupt our Government. We must be able to do that. That is what this Bill is intending to do. The Bill aims mainly at making our relationship clear with our neighbouring countries and our African friends. The same Bill that we are introducing now, has already been enacted in Tanganyika, and in much the same terms. It is not anything new, or peculiar to Kenya alone. It is something which is being practised in our neighbouring territories.

Let me now refer to what the hon. Specially Elected Member, Mr. Alexander, said. He remarked that the Minister might act on this question arbitrarily. I do not think such a statement should have come from a senior Member of this House, such as the hon. Mr. Alexander. I am sure he knows that the Minister must be a responsible person. If he holds that point of view he must have supported the law, which we inherited from the Colonial Government, very highly. If that was the law they were using to punish the people they did not like, I can assure him that that is not the policy of the present Government.

[The Minister for Home Affairs] Let me say that the hon. Member, now the Deputy Speaker, made reference to a case in Nyeri, and I can tell him—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Deputy Speaker, could I have your ruling whether it is correct for an hon. Member to address somebody who is sitting in the Chair, as Speaker, on what he has said in this House. I thought it was incorrect for us to use the name of the Speaker personally.

The Deputy Speaker (Mr. De Souza): I think it would be more advisable to refer to him as the Member for Nairobi North-West.

The Minister for Home Affairs (Mr. Odinga): Thank you very much, Mr. Deputy Speaker. I will now refer to the hon. Member for Nairobi North-West. The Member for Nairobi North-West made reference to a case which took place in Nyeri, but let me assure him that there are several cases like that. Normally, such cases arise because of some individuals who have committed a crime in their own country. Instead of facing the case in their country, they disappear. Then they have the chance of coming to Kenya where they are not known, and they get employment and stay here. If they are found, action must certainly be taken against them. We have several cases of this kind, and I can assure you that I will investigate this particular case which he has referred to, for I suspect that he must be one of those.

Let me also make reference to the comments made by the hon. Member, Mr. Moi, when he cautioned us about preserving Kenya's reputation. I am sure that hon. Members from this side have also made reference to the same point. I can only tell them that the present Kenya Government is pursuing the policy of neutrality, strict neutrality. We call it "positive neutrality", which means that we are not passive at all. If we find that a friend of ours is wrong, we tell him so, and if he is right we tell him he is right. That is what is known as positive neutrality. I can only assure you that our own fair deal to people all over the world has been demonstrated during the Independence Celebrations. We invited people from all over the world. We did not care about the cold war, or the feelings of any particular people. We accepted them all and gave them equal treatment in our country. We still pursue that policy. Even when welcoming people into Kenya, we do not actually discriminate, but accept all of them. Provided they come as strangers, we welcome them in good faith. We must be vigilant with anybody who comes with bad motives. If he comes with any bad

motives or intrigues, we will be very vigilant and we shall deal with him ruthlessly, if we are given a chance to do so.

Some people have mentioned that there are many Americans all over the place, and many British subjects in the country. I can assure hon. Members that they are all in, and there are many people from the Eastern countries moving into the country. We are vigilant with regard to all their movements, and if we find that their movements are contrary to the preservation of peace, in security and good government in this country, they will be dealt with fairly and firmly, according to the law.

With these few remarks, Mr. Deputy Speaker, I hope the Bill will go through.

Mr. J. M. Kariki: Mr. Deputy Speaker, I do not want to repeat what has already been said by other speakers, but there are two points which I would like to mention. The first is that the Minister for Justice and Constitutional Affairs, and also the Minister for Home Affairs, should not only be content with passing this Bill in the House. They should see that this Bill is going to be effective.

I say this, because if you take the airport this is one of the key points through which this country can be invaded by our enemies. I think it will be better, when this Bill is put into effect, if we check and see that at the airport, nothing which can be harmful—whether people or things—to this country comes in. That is one of the points the Ministry should look at and try to see that it is put into effect.

The other point, Sir, is that people working in the immigration offices must understand this Bill correctly and not interpret it in a way for which it has not been designed. This is a point which should be made clear to the people who are going to interpret the Bill when it is put into effect.

Something else I would like to mention was a point made by the Specially Elected Member, Mr. Alexander. It seems to me that he was very worried about section 20, but I would like to remind him that in the Kenya Constitution, section 25, paragraph 4, it is stated fully that if a person is ordinarily and lawfully a resident of Kenya, he is covered by that section, and that came into effect on 11th December 1963. If he is not aware of it, perhaps the Minister will make it clear when he comes to reply to that point. This is only to make sure that even if a person is not a citizen of Kenya, as the Minister for Home Affairs has said, the Ministers are responsible people and they cannot simply deport somebody just because of that person's colour, but can do so because of his misdeeds.

[Mr. J. M. Kariuki]

Another thing which must be checked, Sir, is that even if people are of African origin, some of them might be employed by other foreign Governments to come here, even to sell vegetables, or other things, when it is only to get information for their Governments. This must be checked when this Bill comes into effect.

Mr. Deputy Speaker, I only had these points to make, and as there is nobody opposing this Bill it is high time it was put into effect rather than spending time on it in this House or the Senate, and then things are covered up and not put into effect in the right way.

With these few remarks, Mr. Deputy Speaker, I beg to support the Bill.

Mr. Shikuku: Mr. Deputy Speaker, much has been said already and there is no need to go any further, but may I make two or three observations?

One has already been mentioned and concerns the question of the newspapermen. I, personally, have come across reporters with huge cameras who tell me that they are the reporters for such-and-such newspapers overseas. I have taken the trouble in this library here, where there are newspapers and I have also been around to other libraries in the country, to look into this; the funny part about it is—and I would like the hon. Minister for Home Affairs to look into this—that despite the fact that the reporters are in this country, there is no line about Kenya in the papers they mention. These are things on which the Government should check. If someone says he is a reporter of such-and-such a paper, it should be noted, and someone should do his homework to see how much is reported. Otherwise, such people may just be getting this information by saying that they are reporters. I think the Minister for Home Affairs agrees with me: I can see him nodding his head. These are the people for whom we should go very seriously.

Another point, Mr. Deputy Speaker, is this. We are told that the Ministers are responsible, and that they are going to act justly. That is accepted, but there is something called human error. That is why we feel it would be in order for us to warn the Ministers that they should not allow themselves to fall prey to this sort of injustice to people, and deport them because they happen not to like their faces. Here is where the difficulty arises. Some time ago, there was somebody who—

The Minister for Finance and Economic Planning (Mr. Gichuru): On a point of order, Mr. Deputy Speaker, under Standing Order 70, since

we have exhausted the discussion on this matter, I propose that the Mover be called on to reply.

The Deputy Speaker (Mr. De Souza): At any time, the Speaker is entitled, even in the middle of a speech, to accept the Motion of closure, but unless it is very necessary, and unless Mr. Shikuku is going to take a long time—Are you going to be brief?

Mr. Shikuku: I am not going to take long.

The Deputy Speaker (Mr. De Souza): As soon as Mr. Shikuku finishes, I will take the Motion.

Mr. Shikuku: I also do not feel that we will be acting in a responsible manner if we are going to deport people just because they have been deported from other territories which are our neighbours. Our Government should make its decisions on its own. Because another Government has taken a decision against a certain party, our Government should not do so. This would show that we are following the ideas of other Governments. I know our own Government is a responsible one, and I hope that in the interest of Kenya and the people of Kenya, they will put its name on the top line as far as the world news is concerned by acting justly and promptly. I would like, also, to call upon all hon. Members in this House to remember that this is not only the work of the Ministry, but the work of each and every citizen in this country, to help the Government by reporting any person's activities. We should not leave it to the Ministry of Home Affairs itself to try and do the work on its own. Each and every person must contribute to this to make sure that we get these evil men out of our country on the fastest plane. Also, this applies to women; they can be destructive. Therefore, I call on everyone in Kenya, as well as the Members in this House, everyone who is a citizen of this country, to help in getting these bad people out.

With these few remarks, Mr. Deputy Speaker, I beg to support.

The Minister for Finance and Economic Planning (Mr. Gichuru): I beg to move that the Mover be now called upon to reply, Mr. Deputy Speaker.

(The question was put and carried.)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, I thought that there would not be very much debate on this Bill, but it is right that Members should express some of the views they have expressed. I think in the circumstances it is necessary to state most emphatically what the Government's motives are, so that there is no misunderstanding.

[The Minister for Justice and Constitutional Affairs]

First, I would like to say—and I am sure the whole House will agree—that our independence is a most precious thing to all the people of this country. We have won it out of a hard struggle and a lot of sacrifices; we do not intend to lose it in any case and in any circumstances to any person. If, therefore, there should be anyone who threatens the national security of that very independence of this country, then, Sir, this country has a duty to deal with such persons most ruthlessly in the interests of our independence and national security.

Having said this, Sir, I would like also to state that, whereas it is the intention of the Government to be vigilant at all times in safeguarding our national security and independence, it is not the intention of the Government to establish a police state. It is not the intention of the Government that the people living in this country, whether they are citizens or non-citizens, should live under fear, or that they should be subject to unreasonable, I repeat, unreasonable, police interference or any other interference.

[The Deputy Speaker (Dr. de Souza) left the Chair]

[The Speaker (Mr. Slade) resumed the Chair]

I want to make it quite clear that life is not changing as from this afternoon, merely because we have this new law, and as the hon. the Parliamentary Secretary for Finance and Economic Planning has stated, we are merely acquiring a new measure which strengthens the hand of Government in its dealing with a situation which may arise and in which we have not, previously, been able to cover ourselves. So, let no one go out of this House and—this applies to the press of this country or overseas—and begin to suggest that the attitude or motives of this Government have changed; they have not changed, and no one is going to be subject to any unreasonable interference by the state or any of its security forces. Members on both sides have asked that we should exercise caution in the use of this legislation. I repeat what the Minister for Home Affairs has said: this Government is being led by very reasonable men, men who are dedicated, and in the person of our Prime Minister, we have already witnessed that dedication in trying to create for Kenya stability and a reasonable progressive and effective Government. I do not believe, Sir, that in the last few months of the life of this Government, anyone can accuse either the Prime Minister or any Minister of high-handedness in their dealings with the public or with matters of state. This reasonableness

will continue. Our intention, or whole intention, is that we should be able to establish stability, progress and development for Kenya, and where this can be done with the full co-operation of the people we will always seek that co-operation. This has been adequately demonstrated in our recent efforts in settling the unemployment problem, with co-operation, and not by measures of suppression or imposition. This, Sir, is our answer to those who have pleaded for caution. Caution will always be used, and before action is taken we shall always have to be satisfied that such action is warranted. We are aware that measures such as this could be abused, but this House must have full confidence in the reasonableness of the Ministers and the Government as a whole. In the case where there are any grounds for complaint in the future, Members of this House will always have access to the Floor of this House to bring to the notice of Government such incidents. We hope there will be no need for such action.

Now, Sir, there have been references to citizens of certain countries specifically. People have referred to the threat of South Africans living here, Goans living here, and I think that the Government's position ought to be made very clear. It has been made clear in the past, but perhaps it ought to be emphasised. This Government does not discriminate against a person in general terms either on account of his colour, his race, or his country of origin. We prefer that every individual should be judged on merit, on the basis of his actions, and if his actions justify the Government taking certain measures, these measures will be taken; that, as far as we are concerned, it does not matter whether he comes from South Africa, Portugal, China, the United States, or any other country. On merit, each individual will be judged. If he is good, we shall deal with him as a good person; if he is bad, we shall deal with him as a bad person, but we do not wish to get ourselves into the position where we apply a general label on people. It is the most dangerous thing to do. We have rejected it in the past, when it is applied to either Africans or tribes, and we reject it now, if it applies to a community, a nation or a country. So, those who are resident in Kenya, whichever country they may come from, have this assurance: that the Kenya Government does not pre-judge a person merely because he comes from this or that country. The Kenya Government will always judge a person by what he does, and on merit.

This, Sir, is also the point which must be emphasized as far as the cold war is concerned. East or West. These measures are not intended to

[The Minister for Justice and Constitutional Affairs]

deal with a particular group of nations, because they come from the East or the West. Because we say we are a neutral country, we must avoid getting ourselves into the position where we become the victims of the cold war. We must not get ourselves into the position where some people think that every angel comes from the West and every devil from the East, or *vice versa*. We must not get ourselves into the position where we are led by slogans of capitalists or communists. We will determine on merit what is good, and we will determine on merit what person is good. It is the same crime if someone condemns everybody from the East as it is if he condemns everybody from the West as capitalists. The Kenya Government does not use those labels. We stand very firmly, and will continue to stand firmly on the basis of our declared policy.

If there are Goans in this country who are loyal to the Portuguese régime, they know by now that the Kenya Government cannot be sympathetic to them. We have said this to them many times. If their loyalty to the Portuguese Government leads them into committing acts which are contrary to the policies of the Kenya Government, then they are in for trouble, and they will be dealt with most firmly and ruthlessly. Similarly, any other person who adopts policies or actions which are contrary to our policies, contrary to our intentions, he must know that when he does so he is opening himself, not only to criticism but to action by the Kenya Government. I am sure that is quite clear.

However, it would be wrong for us to condemn the entire Goan community on account of a few Goans who may express loyalty to Salazaar. There are many Goans who are genuine and good citizens of this country, and who wish to serve this country loyally. Their position must not be prejudiced by any general label, and that the Kenya Government wishes to avoid.

Similarly, this applies to the South Africans to whom I have referred, those of them who become Kenya citizens, those of them who are loyal to Kenya, those of them who wish to serve Kenya—after all, it is not true that every South African supports Verwoerd, but those who support him and try to act in his manner in this country will be in trouble. All these people, Goans, South Africans, anybody else, must be guaranteed a peaceful life in this country, and that this Government will do.

Now, Sir, another point made was whether or not our intelligence service has been reorganized

and tuned to the new circumstances of independence. This reorganization in our services is a continuing process. As and when we discover the necessity for change, changes will be made; as and when we discover weaknesses in our system, these will be dealt with. We continue to aspire to improving and creating more and more efficient services throughout the country and throughout our Government departments. So, I can assure the House, whatever it is necessary to improve our services—whether they are intelligence services, the police force, or any other services—this will be done, and the Minister responsible, in this case, I am sure will take note of the remarks which have been made by Members in the House.

Lastly, reference has been made to the effect of this Bill on our neighbours, people from Uganda and Tanganyika. The Minister for Home Affairs has already told the House that, in fact, a similar measure to this has been adopted in Tanganyika. But, Sir, I am sure that Members of this House know that there have been a few Kenya people who have been sent out of Tanganyika, and even out of other countries. It is not as though we are taking a unique position against our neighbours, this measure is not intended to be against Tanganyika, or against Uganda. It is a measure intended to safeguard the national security of Kenya, regardless of who the person involved may be. If a Ugandan threatens the security of Kenya, we cannot just be polite about it, we have to do something. If a Tanganyikan threatens the security of Kenya when he is in this country, or when he wishes to enter this country, we have a duty to safeguard Kenya and Kenya citizens first, and we shall do so. We cannot just be polite about it because we want to be good to somebody else. First, we have to look around in our own home to make sure that we establish something durable; then our friendship with other people can be a lasting friendship. It is no use pretending that we must be nice to other people, even though they are starting trouble in our country or building a fire in our country; we have to put it out. However, I am sure, Sir, that our neighbours will not misunderstand the purpose of this measure, because they, like ourselves, are very keen that their own internal security should be maintained, and if a Kenyan were to go to Uganda or to Tanganyika and to start trouble there, and create subversion in Uganda or Tanganyika, we would say to the Tanganyika or Uganda Governments that they should deal with the person ruthlessly, and if they want, hand him over to us and we shall teach him a lesson as well. We do not believe that any of our citizens should go and create subversion in any of our

[The Minister for Justice and Constitutional Affairs]

neighbouring countries. We will help them to ensure that that is not done. So it is in this spirit of mutual respect for each other's sovereignty and rights; in this spirit of helping each other to maintain the security of all the nations within East Africa, that we have chosen to take action in this direction.

Mr. Speaker, I think those were the main remarks made by various speakers but, again, I want to express the Government's appreciation to the Opposition and all Members of the House for the way they have responded to the urgency of this measure.

(The question was put and carried)

(The Bill was read a Second Time and committed to a Committee of the whole House now by leave of the House)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

(The Speaker (Mr. Slade) left the Chair)

IN THE COMMITTEE

(The Chairman (Mr. De Souza) took the Chair)

THE IMMIGRATION AND DEPORTATION (MISCELLANEOUS AMENDMENTS) BILL

(Clauses 2, 3, 4, 5, 6, 7 and 8 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I beg to move that the Committee do report to the House its consideration of the Bill and its approval thereof without amendment.

(The question was put and carried)

(The House resumed)

(The Speaker (Mr. Slade) in the Chair)

REPORT AND THIRD READING**THE IMMIGRATION AND DEPORTATION (MISCELLANEOUS AMENDMENTS) BILL**

Mr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Immigration and Deportation (Miscellaneous Amendments) Bill, and its approval of the same without amendment.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

(The question was put and carried)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I beg to move that the Immigration and Deportation (Miscellaneous Amendments) Bill be now read the Third Time.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

(The question was put and carried)

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

COMMITTEE OF SUPPLY

(Order for Committee read)

(The Speaker (Mr. Slade) left the Chair)

IN THE COMMITTEE

(The Chairman (Mr. De Souza) took the Chair)

MOTION

SUPPLEMENTARY ESTIMATE NO. 2 OF 1963/64—RECURRENT EXPENDITURE

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move:—

THAT a sum not exceeding £1,636,594 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1964 in respect of Supplementary Estimate No. 2 of 1963/64 (Recurrent).

(Question proposed)

VOTE 2—JUDICIAL

Head A—Personal Emoluments

Mr. Alexander: Mr. Chairman, the savings are shown as £1,039 which produces the result of this merely £1 vote. This remark that I am going to make, in fact, applies to several of these Votes. When we voted this £1,039, some six months or so ago, there was a need for it then, and I think it would be useful to us to know how this is made up so that we can be sure that we are not dispensing with some service or some appointment that

[Mr. Alexander]

six months ago we thought was useful and we approved. If we may know how this £1,039 is made up?

The Minister for Finance and Economic Planning (Mr. Gichuru): There is a need for this in that three new stations have been opened, Meru, Kakamega and Naivasha, and we shall need money for one chief clerk, six clerks and three subordinate staff. I think that answers the question.

Mr. Alexander: Mr. Chairman, I realize that, it has it in the note here, that there are additional posts required at new stations. Does this mean to say we perhaps have abandoned some old stations, or we have done without some clerks in existing stations? It is a matter of how the £1,039 is made up that I am concerned with.

The Minister for Finance and Economic Planning (Mr. Gichuru): It is made up by one chief clerk, £317, six clerks at E scale, £603, three subordinate staff, £120.

Mr. Alexander: Mr. Chairman, with all due respect, that is not necessarily so. It says savings within the same head. It does not say that those savings are in fact one chief clerk, it may have been some stationery or some waste-paper baskets. I do not know, I am merely seeking information so that when we approved the £109 which we are now dispensing with we should know what it is that we are abandoning, and where.

The Minister for Finance and Economic Planning (Mr. Gichuru): I am afraid I do not have the figures that the hon. Member is seeking, but if he wishes I will get them in writing for him.

(Head A agreed to)

VOTE 3—NATIONAL ASSEMBLY

Head A—Personal Emoluments

Mr. Alexander: Mr. Speaker, Sir, under Personal Emoluments, I note that this does cover the gratuity of two officers. May we know the amounts of these gratuities respectively, and which officers are we referring to?

The Minister for Finance and Economic Planning (Mr. Gichuru): I am sorry I did not quite get the question.

Mr. Alexander: In the notes below, the explanatory details, it says that the additional provision is required to meet the salary of a new Editor, and payment of gratuity due to two officers. What I have asked is what is the amount of this gratuity in each case and for what length of service, and which officers are these?

The Minister for Finance and Economic Planning (Mr. Gichuru): These were officers who were on temporary appointments and their time had expired. The other question, as to how the savings have come about, they were due to over-provision of certain emoluments. That is the previous question.

(Head A agreed to)

Head F—Salaries, Allowances, etc., to Members of the National Assembly

Mr. Alexander: Mr. Chairman, Sir, here again our attention is directed to savings of £2,100. Again, looking at the explanatory details, these savings are being used against an item required for increased salaries of Members. Mr. Chairman, I think what concerns us here is that, if in fact we have saved £2,100 in salaries, it would suggest that we are doing away with some of the staff of this Assembly of ours. If that is so, I think this is a matter that should be of some considerable concern to hon. Members because from what we see going on around us it would seem that our staff is extremely exercised and, if I am right in my assumption—and that is why I ask for the information, because it does not show it here—it may not be wise for us to dispense with these people who are part of the administrative machine of this National Assembly. May we know what the £2,100 is.

The Minister for Finance and Economic Planning (Mr. Gichuru): As I could not give a breakdown of the £2,100, I will mention that we should not forget that we have not had the National Members from the North-Eastern Region until now and that there has been a change of staff. Some members of the senior staff have retired and other people have been promoted at a lower salary. There has been no effort to curtail the staff. These are just normal savings.

(Head F agreed to)

(Head G agreed to)

Head H—Constitutional Conference Expenses

Mr. Alexander: Mr. Chairman, Sir, we know exactly what these expenses were because this Conference is now far enough behind us. The total is £16,500, once we have voted this additional £10,500. May we know the breakdown of that in terms of daily subsistence and other items, and what are the main types of expenditure under other items? I am taking it that the bulk of the £16,500 was in daily subsistence allowance to those who attended, and in air passages.

The Minister for Finance and Economic Planning (Mr. Gichuru): The air passages were the most expensive item, I am afraid I do not have the breakdown of this, but the normal allowances were given to the Members attending the Conference, that is Sh. 150 a day. There were certain other expenses, the clerical expenses, the transport of certain Members, such as the Prime Minister, during the Conference. I think these are the main ones.

Mr. Alexander: Is it possible, Mr. Chairman, to give us an analysis of these amounts?

The Minister for Finance and Economic Planning (Mr. Gichuru): I do not think it is really necessary. It could be done but my staff is very hard worked and to ask them to go back just to give these details just for the sake of looking at them is, I think, a waste of their time.

Mr. Alexander: Mr. Chairman, I can assure you I have not come here just to waste time or just to look at figures. I am seeking information that I think perhaps the public themselves are also interested in.

The Minister for Finance and Economic Planning (Mr. Gichuru): Well, I cannot promise to produce them overnight, but I can promise that as soon as I can get them I shall put them before the Members of the House.

(Head H agreed to)

VOTE 6—PRIME MINISTER'S OFFICE

Head A—Personal Emoluments

Mr. Alexander: Mr. Chairman, in this case as well as in the explanatory note we have details that would amount to several thousands of pounds. Unfortunately in the case of (c), (e) and (f) there is no figure at all, and so we do not know what it is we are being asked to approve in terms of money. I have put in a guess of a total of £6,000. The figures that are there already add up to £3,614 so I have estimated that the total may be £6,000, but it may be £10,000, I do not know. However, what is important again here is what is in the Prime Minister's Office that we are doing without, that we are saving, in order to pay for these other items because it may not be wise to throw away the service that we have already there.

The Minister for Finance and Economic Planning (Mr. Gichuru): I think the House would appreciate the fact that the Office of the Prime Minister is quite a new creation, it only came into existence in the last year, and as we go on we are finding that extra staff is necessary. We are not

very sure yet because we do not have a full establishment of these posts, so I cannot quote a definite figure, but it must be appreciated that the Prime Minister is new and therefore in his office we were not very sure as to what number of staff would be required. However, gradually we are coming to know this and we are rectifying the situation.

Mr. Alexander: I fully appreciate all of that, but it does not answer my query. My query was, if we are to find this money out of saving, where are those savings identifiable? If we are not to find them out of savings, is the answer then at some later stage that we will come back for another supplementary vote for £10,000. Unfortunately (c), (e) and (f) do not give us any estimate at all.

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Mr. Chairman, I can give the hon. Member the figures against the items. The total comes to £7,904. I can give him the figures and he can check them if he wishes. He refers to item (c), the creation of posts of non-executive officers, this will cost £334. Then he mentions item (f), twenty-nine subordinate staff, the total cost would be £3,107, and similarly I can give him figures of costs for any other items that he wants to know.

(Head A agreed to)

VOTE 8—MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS

(Heads A and F agreed to)

VOTE 8A—INDEPENDENCE CELEBRATIONS

Independence Celebrations

Mr. Alexander: Mr. Chairman, when this item last came up we were given certain very clear assurances as to the control of expenditure and I remember some of us being particularly concerned with the value of the Dexion steel used for the stands, which were, I understand, a very substantial item in the total expenditure of nearly £½ million. Mr. Chairman, there are two questions that arise. We are told in the explanatory notes that some £16,000 of stores and appropriates will be saved. May we know what that is, simply because it comes as a surprise to us that of the Dexion alone there should not have been more than this figure. The other question is related to what we expect to have left in permanent improvements as the result of this expenditure. If I again recollect back to the questions that were raised, this matter was referred to, concerning the

[Mr.—Alexander]

extent to which our Government was directing its attention to making sure that as much of this money would be put into permanent categorical improvements. May we know on the second question, what is the estimate of permanent capital improvement, in other words, the amount which is not completely written off?

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, Sir, the independence celebrations are always very expensive. Elsewhere, for instance in Tanganyika, they spent £600,000 and Uganda £400,000, so we could not be accused of having been too extravagant. We had hoped that we would keep the figure at a round £400,000 or £450,000 so that we have not really exceeded that abnormally. As to the permanent benefits that we have accrued out of this expenditure, I regret to say that we have none. The structure, as you know, was built in a hurry. We did not have enough time. We had hoped originally that if we had enough time we would have built a permanent stadium which could be used afterwards, but unfortunately, because of the time the Constitutional Conference took in London and the announcement of the date, we were unable to erect a permanent structure. This is why the note says here that we will be able to save £16,000, this is only an estimate, if we get more we shall be only too happy, but we hope to recover only about £16,000.

Mr. Alexander: Mr. Chairman, let me be clear I was not referring to the expenditure of £475,000. I was merely trying to find out what we have saved out of it, what we have to show for it afterwards. I have had one part of my question answered, and that is that there is certainly no permanent items that we can show for it, but on my second question, particularly regarding the Dexion, and this reference in the explanatory note to £16,000, may I put it this way. Referring to Dexion only, what was the total figure, total expenditure, on Dexion—that is the steel supports for the stands—and what do we anticipate that we will recover from that item alone? I ask this because I am trying to find out what this £16,000 refers to.

The Minister for Finance and Economic Planning (Mr. Gichuru): I am afraid I do not have the figures, but I could try and find them and present them to the House next week.

At this stage I would like to make a short statement to explain something that happened in January. We did something that was a little irregular, but we had to do it and I would like

to confess to you what I did and the reason for it and I hope that you will approve of my action.

As the House is aware there is established by legislation a Civil Contingency Fund out of which, on my authority, up to £500,000 can be issued to cover essential expenditure not yet approved by Parliament, pending the taking of a Supplementary Estimate. I feel that I should bring to the notice of the House that, owing to exceptional circumstances, it was necessary for me to authorize the use of the Paymaster General's balance on a temporary basis to enable essential services to be carried on. If it had proved possible to call Parliament together in January it would not have been necessary for me to take this action, but the exceptional circumstances which compelled me to act were related to the need to use the Civil Contingencies Fund to the full in order to meet the cost of the Army with effect from independence date. I accept that this procedure which I adopted is one that will only be followed if no other alternative exists, but it was necessary for me to provide money to enable certain bills arising from the independence celebrations to be met, and in order to enable an advance to be made to the Kenya Broadcasting Corporation. The total amount which it has been necessary to advance up to today is £175,000.

(Vote 8A agreed to)

VOTE 9.—MINISTRY OF FINANCE AND ECONOMIC PLANNING

(Head A agreed to)

Head G—Other Charges

Mr. Malinda: Mr. Chairman, it seems as though out of these Other Charges the Minister wishes to spend some money in connexion with the East African Currency Board. Now, I wonder how much is anticipated to be spent on that, and what percentage of it, with regard to the other three East African territories, does the Government contribute towards the East African Currency Board expenses?

The Chairman (Mr. De Souza): Item G is explained on page 8 in the middle.

Mr. Malinda: Mr. Chairman, it is this G—Other Charges I am on. What other charges are covered by this item. If the East African Currency Board is covered under that subhead—

The Minister for Finance and Economic Planning (Mr. Gichuru): I think it is fully explained on page 8.

(Head G agreed to)

(Heads K, P and S agreed to)

VOTE 10—DEFENCE

Head A—Personal Emoluments

Mr. Alexander: Mr. Chairman, under the explanatory notes it says that this £1,851 is for a supernumerary post of a Permanent Secretary. Does that mean to say that there will be two Permanent Secretaries? If so, for how long and why?

The Minister for Finance and Economic Planning (Mr. Gichuru): There will be, the one is supernumerary and I could not definitely say for how long, but usually when we have a supernumerary post like this the time taken varies between one year and two years.

Mr. Alexander: So do I understand that we might pay two people for the one job for as much as two years?

The Minister for Finance and Economic Planning (Mr. Gichuru): It could be possible.

(Head A agreed to)

(Head L agreed to)

VOTE 10A—THE ARMY

(Vote 10A agreed to)

VOTE 11—THE POLICE

Head C—Passages and Leave Expenses

Mr. Alexander: Mr. Chairman, the explanatory note says that the additional provision is to meet the cost of the passages of officers retiring prematurely. May we know how many this involves, how many officers?

The Minister for Finance and Economic Planning (Mr. Gichuru): I am afraid I do not have the figures.

Mr. Alexander: Mr. Chairman, just to elaborate, the real interest of the item is to know through this how many officers we have lost so that we could perhaps come to some conclusion as to whether our police force may be in difficulties.

The Minister for Finance and Economic Planning (Mr. Gichuru): The figure of the officers is 362.

(Head C agreed to)

Head D—Replacement and Running Expenses of Motor Vehicles and Aircraft

Mr. Mbogoh: The replacement and running expenses of motor vehicles, can the Minister tell

us how much has been spent on new motor vehicles and whether the running of motor vehicles includes the fuel used, or does it only refer to the repairs?

The Minister for Finance and Economic Planning (Mr. Gichuru): Yes.

Mr. Mbogoh: On the replacement of motor vehicles, how many have been bought, and have the old ones been sold, and how much did they fetch?

The Minister for Finance and Economic Planning (Mr. Gichuru): Such details are known within the Administration itself. We do not just throw them away.

(Head D agreed to)

Head P—Security Arrangements—North-Eastern Region

Mr. Mbogoh: Can the Minister tell us what items are included in this?

The Chairman (Mr. De Souza): The question of security in the North-Eastern Region is not one which can be asked in the Committee Stage on Supplementary Estimates. It is a subject in itself.

(Head P agreed to)

VOTE 12—MINISTRY OF EDUCATION

(Heads C1, D6, E1, H and O agreed to)

VOTE 13—MINISTRY OF AGRICULTURE AND ANIMAL HUSBANDRY

(Heads A, E, K, L, M, V, X1, X2, Y and AA agreed to)

VOTE 17—MINISTRY OF COMMERCE AND INDUSTRY

(Heads L1, L2, L3, LA, L5, L6 and L7 agreed to)

VOTE 18—MINISTRY OF WORKS, COMMUNICATIONS AND POWER

(Heads A1 and E1 agreed to)

VOTE 19—MINISTRY OF INFORMATION, BROADCASTING AND TOURISM

(Heads A, B and G agreed to)

Head H—Kenya Broadcasting Corporation (Subvention and Loan)

Mr. Alexander: Mr. Chairman, turning to the explanatory details, it says that this includes a sum of £200,000 as a loan to K.B.C. to enable it to provide for both sound and television until 30th

[Mr. Alexander] June 1964. Does this mean that in fact the anticipated shortfall in K.B.C., the deficit of K.B.C. to June 1964, will be about £200,000? If so, Mr. Chairman, may we know more about this deficit, how it has arisen, and may we be told how it is intended that K.B.C. will pay back this £200,000? It says that it is hoped from July 1964 that expenses will be balanced by revenue including a subvention. That means to say that even after 1st July 1964, it is anticipated that K.B.C. will continue to lose money because it will require Government subvention to balance its finances. That being so, how long may we expect them to take to repay this loan, and what guarantee is there for it? I ask this particularly because, as I understand it, there are commercial interests involved in K.B.C. as contractors. Do they come into this £200,000 at all?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Chairman, Sir, I do not think that the contractors come into this sum of £200,000, but the House will remember that recently a Commission of Inquiry was appointed to go into the financial position of K.B.C. and the running of it. I hope, after the Cabinet has agreed, a White Paper will be published which will determine the future of the K.B.C. It is difficult to say whether that amount will suffice up to the end of our financial year. You may also remember Mr. Chairman, that we have the annual subvention to the extent of £165,000, and last year in December, before the celebrations, K.B.C. was given a loan to the extent of £40,000; also in January, to keep them going on, we advanced an additional sum of £60,000. Just before we took over in June last year, a sum of £20,000 was advanced to assist K.B.C. to carry on. Members will remember that the Commission of Inquiry was appointed to go into the financial position of K.B.C. and, as I have said, a White Paper will be brought before the House to determine the future of the K.B.C.

Mr. Alexander: Mr. Chairman, could the Minister answer the other queries I read. Is this £200,000 an estimated loss between now and the end of June? If so, could we have a fairly general explanation as to how this has arisen? Then I did ask whether the K.B.C. would be able to pay back this £200,000, or how long it would take to pay it back, because the note explains that we have to go on assisting them after the 1st July.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Actually, Mr. Chairman, this has arisen because the Television network had expected the Sound and Television Departments of K.B.C. to receive funds through

advertising revenue. After some time, it was realized that the K.B.C. could not pay, and the Government had to come to the rescue of the K.B.C. to keep it going. There will be other explanations, as you will find in the White Paper or the Lutta Report which has tried to reveal certain facts where K.B.C. fails to come up to the revenue they anticipated. How the sum of £200,000, is going to be paid back to the Government is difficult to say, because the Kenya Government or the Cabinet is considering other ways of seeing that the amount is returned to the Government. The House will be faced with another problem and that is the question of whether a young country like Kenya in its initial stage of development, and requiring the creation of that national feeling, should allow the organ or the media of information, to be guided either by outside interests or foreign interests or financial interests. This will be decided, but I would ask the House to be patient until such time as we are able to announce our intentions. We are trying to economise as much as possible, and I would like to take this opportunity to announce that by March 15th we shall be able to appoint an African Director-General who will be understood to the present Director-General until his time is up. Probably we may ask the present Director-General to remain with us in advisory capacity, because he is a very efficient man who has done an excellent job within the very short time he has been with the K.B.C.

Mr. Alexander: Mr. Chairman, these remarks are most interesting, and I am sure the report of the Commission of Inquiry will make very interesting reading, but may I come back again to what we are trying to do today, and that is to vote sum of £200,000, and once we have done this today without query, whatever is in the Commission will not undo this vote. Could I ask this, Mr. Chairman? In relation to this £200,000 loan if, as I understand the Minister to say, the future business prospects of K.B.C. are in doubt, would it not be better to be quite realistic today and write off this £200,000? If we are to burden this institution with this sum which it obviously cannot pay back and cannot see any prospect of paying back, are we not likely to load them with an embarrassment which may cause them greater difficulty still? This problem is not new at all to national institutions of this kind where difficulties have arisen, and in that context, Mr. Chairman, may we know what is the short fall on this commercial aspect of K.B.C. The Minister did say that the commercial expectations, or the advertising expectations had not been met. Could we know what in fact came in, and what was the short

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): I think, Mr. Chairman, that the hon. Member is a businessman, and businessmen usually live on speculation and expectations. When confirming the Estimates, that is what happened. However, I do not agree with the Member when he suggests that this should be written off immediately. The White Paper has not been published, the Report has not been finalized, but our reasons for advancing or giving the loan of £200,000 to assist K.B.C. to carry on can be seen, as otherwise, we will be faced with the problem of having to close down K.B.C. K.B.C. is the media of our information and the country cannot afford to close it down or to slow down its activities or its functions, because it is important that it be maintained. That is the reason why we are asking the House to approve the Supplementary Estimate of £200,000.

(Head H agreed to)

(Head K agreed to)

(The question was put and carried)

(The Chairman (Mr. De Souza) left the Chair)

(The Deputy Chairman (Mr. Sinda) took the Chair)

MOTION

SUPPLEMENTARY ESTIMATE NO. 1 OF 1963 64— DEVELOPMENT

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move THAT a sum not exceeding £1,188,454 be issued from the Consolidated Fund to meet expenditure during the year ended 30th June, 1964, in respect of Development Supplementary Estimate No. 1 of 1963/64.

VOTE D4—FINANCE AND DEVELOPMENT

Subhead D—Contribution to African Development Bank

Mr. Alexander: Mr. Chairman, this is a completely new item. In such circumstances it is not unusual for the Minister to make a policy statement on this, and I would ask him if he is prepared to do so today.

The Minister for Finance and Economic Planning (Mr. Gichuru): I will be giving fuller details later on, but I would like to say that all countries who have signed the agreement for the

establishment of the African Development Bank are required to contribute towards the expenses now being incurred by the Preparatory Committee. Contributions have been assessed by the Executive Secretary of the Economic Commission for Africa, and Kenya's liability to the current financial year amounts to approximately £3,215, half of which has already been paid. It is to be hoped that sufficient countries will have ratified the agreement for the Bank to be formally established within the next few months, after which the Bank will meet all expenses from its own account. The African Development Bank Bill covers Kenya's membership of the Bank. It should come up for Second Reading later on. The question of the African Development Bank, as you see in the Order Paper, is down for discussion, and I hope to be able to make a fuller statement then, but this is the money which is required immediately.

Mr. Alexander: Mr. Chairman, this being formation expenses only, to what extent does this permit us to go on with membership of this Bank? If we do not go on with it, is this item recoverable? If we do go on with it, what are the main advantages, as the Minister sees it, to Kenya?

The Minister for Finance and Economic Planning (Mr. Gichuru): You will remember that the African States have been discussing the whole question of African unity and how this unity could be translated into action. This is one of the best efforts these countries are making by coming together to create an African Development Bank. This expense is necessary. We have made an application, and I did report this last year. We are members, and we feel that we should share these expenses. As soon as the Bank is formed, the expenses will be borne by the Bank itself from its own funds. As we are members we cannot shirk our responsibilities of sharing these expenses. One of the main advantages is that we will be able to borrow money from this Bank. Another is that we are contributing towards the much talked about African unity.

Mr. Alexander: Mr. Chairman, having established that we are committed to this, and the Minister has said that we will be able to borrow from this Bank, presumably it does not end here. This Bank has to have resources. Would it be wrong to assume that those resources are going to come from the member countries? If that is so, in having passed this, what can we reckon to be the next item which we will have to pass as, presumably, our contribution to the deposits of this Bank? When we have made that deposit, what do we regard our contribution to be in

[Mr. Alexander]

terms of a percentage of the total, and how are we to get back our share from the Bank in proportion to our contributions in terms of borrowing by this country?

I ask this particularly, because already there is a great unfairness against Kenya on the basis of the distribution in the Currency Board System. Are we to find the same problem here? As I see it, the chances are that this Bank will obviously, in the interests of African unity, wish to help those who need help the most, and it may be that Kenya does not come into that category. We may find ourselves making a contribution to the deposit of the Bank, but not sharing in the same proportion in the advances which the Bank will be allowed to make. In passing, what would be interesting to know is, if the Ministers know it already, what percentage this Bank will be allowed to advance against deposits.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, Sir, I would like to appeal to Members to note that Item 13 deals exclusively with the African Development Bank during its Second Reading. Therefore, we shall have an opportunity to discuss fully the questions which are being raised now. It should be remembered that this Bank will not only get money from the contributing countries. It will also be able to raise money outside Africa. We hope that there will be funds available, and we hope that we will be able to get back more than our contribution. The percentages which the hon. Member asks for of the contribution and advances have not yet been fixed, but we will have an opportunity of discussing fully all that is involved with regard to the Development Bank.

(Subhead D agreed to)

VOTE D5—POLICE AND MILITARY

Subhead A—Stations, Offices and Staff Housing

Mr. Masinde: Mr. Chairman, I would like to know from the Minister concerned where we get Head A, Western Region Headquarters, Kakamega, £12,450. I think it is a good sum of money, and could we have the details of how this money was spent, because at the moment there is only one building in the form of a police station, and this sum of money is much higher.

The Minister for Finance and Economic Planning (Mr. Gichuru): I am afraid I have not been given the breakdown of this figure. I do not know what you mean when you say that only a few

buildings have been built. If it is not built, it is going to be built. We want the money. How can we build without this money?

Mr. Masinde: I am afraid the Minister did not understand me. I want the breakdown of how this sum of £12,450 was spent, because there is only one small building, which could not take all this money.

The Minister for Finance and Economic Planning (Mr. Gichuru): This has not been built. If we had built it we would be very foolish to come here and ask for money.

(Subhead A agreed to)

(Subhead B agreed to)

VOTE D8—AGRICULTURE AND ANIMAL HUSBANDRY

(Subheads A2, A3 and A6 agreed to)

Subhead B1—General Research

Mr. Alexander: Mr. Chairman, Sir, this may not be the precise time at which to ask the question, but I am interested in the resources for this expenditure in respect of the withdrawal of the £12,250 from the hides and skins cess. Are we correct in using that £12,250 possibly in respect of research here or research later on? It is not very easy to marry them up. I would have thought that if there had been any surplus in the Hides and Skins Fund, the people it should have gone to help would be the people who deal in hides and skins or produce them.

The Deputy Chairman (Mr. Slade): I am afraid that according to our procedure, we are not free to discuss the merits or rightness of Appropriations-in-Aid in Supplementary Estimates; they are shown for information only.

(Subhead B1 agreed to)

(Subhead B2, B9, B10, B11 and C agreed to)

ANIMAL HUSBANDRY

(Subheads G, H, J and K agreed to)

HEAD D16—WORKS, COMMUNICATIONS AND POWER

(Subhead B agreed to)

HEAD D17—INVESTIGATION INTO AFRICAN CUSTOMARY LAW

(Subhead A agreed to)

HEAD D19—KENYA BROADCASTING SCHEME—PHASE 2

(Subhead C agreed to)

HEAD D20—SETTLEMENT IN TANGANYIKA, INTERIM SETTLEMENTS AND SETTLEMENT OF NANDI SALIENT

(Subheads F, H and J agreed to)

Subhead K—Kibigori Flood Relief Settlement Scheme

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Chairman, Sir, could we know how this money is going to be used, and how the victims of the flood in the Kano Plain are going to be rehabilitated?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, the regional authority are putting up plans to take funds and also to build up the strength of some of the river banks. That is in the first instance. The second instance is that this money is being handed over to the regional authority who have also been given, by the Central Government, that portion of the Kibigori Veterinary holding ground which fell into the Nyanza Region. This money is being utilized in operating a settlement scheme by the regional authority with help from the Central Government in that area which was the veterinary holding ground south of the Road from Muhoroni to Miwani. I gather that the number of settlers whom they intend dealing with in the first round is approximately 250. It is hoped that they will rely on a cash crop of sugar to make it a success.

Mr. Bala: I would like to know whether some of these settlers who are going to be placed in the Kibigori settlement scheme have already been allocated a plot, and if so is this money going to be used for their food and things like that, because I understand that it is for the relief of flood victims?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, I cannot answer on behalf of the regional authorities, but I am informed that this amount of money will cover the complete exercise. That will give the settlers subsistence until such time as they have been able to grow crops themselves. I also gather that there are discussions going on for them to be able to obtain a certain amount of food from the famine relief. I gather this is until their crops are available.

Mr. Bala: Mr. Chairman, may I know whether there are similar plans for the relief of people who are settling in the Kano Plains, because they were so flooded that there have been complaints that many of them are dying from hunger. It appears that the Government is only concerned with the

victims of Kibigori settlement and not the whole of the Kano Plains.

The Deputy Chairman (Mr. Slade): We can only deal, I am afraid, with just the proposal for the expenditure of money; we cannot start raising additional plans for spending money elsewhere.

(Subhead K agreed to)

HEAD D21—SETTLEMENT SCHEMES

Subhead A1 Loans for Purchase of Agricultural Properties

Mr. Malinda: Mr. Chairman, Sir, may I know in which areas of this country this money is going to be spent?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, this finance is being used in the first instance for the purchase of what are known as compassionate-case farms throughout the areas which were known as the European areas. They are not being purchased in any specific area, but farm by farm, where it is maintained that they are of a compassionate nature. There is no more money now available for the compassionate farms, and I gather that the list has been finalised and the last farms are being purchased. I noticed the advertisement in the newspaper the other day on the last group of farms which the Central Land Board are putting up for sale.

Over and above that, Sir, part of this finance is being used for repayment of redemption of promissory notes which were made in the very early days of settlement some three years ago.

Mr. Masinde: Mr. Chairman, Sir, I would like to know, with regard to these compassionate cases—we have not actually been told where these farms are—how many he is intending to purchase with this sum of money?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): All I can say is that the total number of compassionate farms came to plus or minus two hundred.

Mr. Masinde: Does that mean that the sum of money, £854,000, will purchase two hundred farms?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): No, Sir. If the hon. Member had read the explanation correctly, he would have seen that this finance is not only for the purchase of compassionate-case farms, but for other matters which are described in "Details of

[The Minister for Agriculture and Animal Husbandry] at the bottom of the page. I will not bore the House with reading them out because he can read them himself.

(Subhead A1 agreed to)

Subhead A2 Grants for Purchase of Agricultural Properties

Mr. Masinde: Mr. Chairman, Sir, the previous item dealt with compassionate cases. Are we to understand from item A2 that these are the completion of the settlement schemes?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): No, Sir. Perhaps I could spend a minute in explaining this, because I see on reading it that it is a little difficult to understand. In our discussions which we have had from time to time between the Kenya Government and the British Government on finance for compassionate cases and on the settlement schemes, it has been agreed in the compassionate cases that 50 per cent of the money would be grant money. So we buy a farm for £10,000 under the compassionate cases; it means that we can sell it very much more cheaply to the new group of Africans, the co-operatives or the individual African, whoever comes forward to buy it. It means we have this large grant element. Over and above that, it means that we can sell the farm on a 90 per cent loan basis, the other 10 per cent repayable over thirty years.

Apart from that, Sir, in the main settlement schemes themselves, there is a grant element of 33½ per cent, so again if we buy a farm for £9,000, it means that as far as the new African settler is concerned the value of the land passes over at approximately £6,000, because of this element. The loan element is two-thirds. This is why you see the two here. The top element is the loan element to the Kenya Government; the bottom element is a direct grant to the Kenya Government on behalf of settlement schemes and compassionate schemes. It will be noted that the British Government has given us an outright grant on this of nearly £1½ million.

Mr. Masinde: This is very confusing. It appears that the whole figure of £1,332,700 is the sum of money intended to be used for finishing up the purchase of 200 farms.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Sir, I do not want the hon. Member to muddle up the compassionate cases and the settlement schemes. Inside these amounts, is an amount of money which is the

final amount for the purchase of the compassionate-case farms, and this is the end of the compassionate-case farms. Also involved in this money, is settlement-scheme money, but I would like to suggest, Mr. Chairman, that the Member sees the Minister responsible for settlement to get the actual breakdown. I am sure he would be only too pleased to give it to him.

Mr. Masinde: Mr. Chairman, could we be told how many of the 200 farms which have been purchased have been bought by Kenya people?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, is the question, how many farms have already been sold?

Mr. Masinde: Mr. Chairman, the point is that the total number of farms bought as compassionate cases totalled 200. I am trying to find out how many of these 200 farms have already been bought for land settlement and which have been sold to Kenya people.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Sir, these farms are bought by the Central Land Board acting as the Kenya Government agent. The greater majority of them have been sold to African owners in group partnership, individually or co-operatively.

Mr. Masinde: Mr. Chairman, Sir, I do not think the Minister has answered my question. My question is, how many in number?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): I am afraid I cannot give the exact number, but I would like to advise the hon. Member to discuss this with the Minister responsible. I am sure he can easily give him the exact number. I think that the number of farms which are left unsold is round about thirty, and as the total number is plus or minus 200, I presume plus or minus 170 farms have been sold. However, I cannot give him the exact number, and I would ask him to apply to the Minister.

Mr. J. M. Kariuki: Mr. Chairman, could we be told by the Minister whether there are some compassionate-case farms which have been bought, and the people who sold them have gone to other places to buy farms?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): To my knowledge, this has not occurred at all, Mr. Chairman. I gather that there was one instance, very early on where a person who had been nominated as a compassionate case did sell his farm, and then we heard that he was attempting to buy a very

[The Minister for Agriculture and Animal Husbandry]

small farm at the Coast. It was explained to him that he had already been bought up as a compassionate case, and that Government would not view this with great favour if he then started to try and buy a farm. To the best of my knowledge, no compassionate cases have bought other farms in Kenya. Certain compassionate cases have bought residential plots in towns and at the coast in Kenya; in other words, they have preferred not to leave Kenya, have invested their money, and I gather that some of them are taking out Kenya citizenship. As for buying farms, no, Sir.

Mr. Gichoya: Mr. Chairman, could the Minister assure this House that the people involved in these compassionate cases will not be allowed in any way whatsoever, either through partners—because they can do so through partnerships—to own or buy land within Kenya?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, this is a very difficult assurance to give. The assurance I can give is that it is Government's intention, whenever it is brought to our notice, to advise people who have already been bought out on agricultural projects as compassionate cases not to get re-involved in them. However, there are many ways in which a person can get involved, in buying shares, for example, a matter of which Government has no knowledge. I cannot give a categorical assurance. In every case which is brought to Government's notice, we shall do our utmost to advise them that they have already been bought out as a compassionate case in an agricultural project, and that we, as a Government, would look with disfavour on them getting involved again in agricultural projects. I think that is about the best assurance that the Government can give.

Mr. Masinde: Mr. Chairman, may I know from the Minister how many Europeans there are who are compassionate cases, and also Asians?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, I am doing my best in answering for another Minister, but the details are getting so involved now that it is a little difficult for me. I think this is a long way away from the subject.

[The Deputy Chairman (Mr. Slade) left the Chair]

[The Chairman (Mr. De Souza) took the Chair]

However, I would like to put it to the hon. Member that there are various ways in which

people are buying farms in Kenya today. One is that they can buy compassionate farms which are operated by the Central Land Board under the Ministry of Settlement. Another is that they can buy World Bank farms and settlement farms under the settlement schemes. The third is that they can buy farms, walk in, walk out, on a commercial basis, borrowing money from commercial banks or from their families. The fourth is that they can borrow money from the Land Bank which is under me; they obtain a certain amount of aid in buying a farm. Normally, the maximum loan they can get in this instance is 60 per cent, but the hon. Member will have seen that in the last few months I have issued instructions—and it is now an order to the Land Bank—that nobody can borrow Land Bank money unless he is a Kenya citizen. This has stopped the finance going to a great number of Europeans and Asians. In this instance, I am sorry to say, of a number of cases of land speculation had been going on, and this is one of the reasons why Government took immediate action on this. The money is scrutinized, and can only be lent to Kenya citizens. However, if the Member wants the figures as far as my Ministry is concerned with regard to the Land Bank, I will let him have them.

Mr. J. M. Kariuki: After the announcement concerning compassionate farms, that first priority is being given to Africans and they have to explain their experience in farming, is there anything the Ministry is doing to reduce these conditions, bearing in mind that some Africans may not have been farming before and do not have as much experience as Europeans?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, I am not prepared to accept from my hon. friend that an African does not know anything about farming. Nearly every single African is basically a farmer with farming knowledge. I understand from the Central Agricultural Board that they have had no difficulty in finding a great number of Africans who are qualified to take these farms for every farm they have advertised. In fact, their great difficulty is in sorting out which is the best.

Mr. J. M. Kariuki: Mr. Chairman, in view of the fact that Africans are not rich enough to buy some of the farms, is there any provision the Government is making to allow them to buy the farms, rather than giving them first priority so that when they fail to find this money the farms are bought by others who are richer?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): This view was put to me by another hon. Member in this House so me

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weeks ago, and although it has nothing to do with my Ministry I did take care in finding out whether this accusation was correct or not. I am informed by the Central Land Board that all these compassionate case farms now are going to groups of Africans, individual Africans, companies of Africans or co-ops of Africans, that none of these farms are being sold to either Europeans or Asians. This is the information which I got from the Central Land Board. I am told that in the very early stages of the first compassionate farms which were bought some long time back and were operated by the old Board of Agriculture, there were a certain number of compassionate case farms which were sold to Europeans, but that is not what is happening today. Again I would like to make it clear that I am speaking on behalf of another Ministry and, therefore, although I am pretty certain that my facts are correct, I could not vouch for them one hundred per cent.

Mr. Anyieni: Mr. Chairman, who decides that these are compassionate cases and that they should be brought out?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, the Kenya Government decides this. We have been issued, through various bodies and organizations, through the Central Land Board, with lists of people who maintain that they were for some reason or other a compassionate case. For instance, we had a case of a man with one leg and a wooden leg, a very old man who had a heart attack and had to be wheeled around in a wheelchair. His wife took ill and he had no children and nobody to look after the farm as it was not an economic unit powerful enough to employ a manager. This is the kind of thing. We then decide that the person is a security risk where he is and the economy of the farm would only go down, and therefore it is far better for us, with the money, fifty per cent of which is given to us by the British Government, to buy that farm and to put Africans on it. Therefore, the short answer is that it is the Kenya Government who ultimately decides who is a compassionate case and who is not. As I did say earlier on, the British Government has told us that they are prepared to give us no more money for compassionate cases, so that from now on, when this list is completed, anybody who becomes a compassionate case will have to be bought out through some other method, the Land Bank or some other organization.

The Parliamentary Secretary for Education (Mr. Gaggia): Mr. Chairman, a part of this question has been asked by some other Member, but I would like the Minister to explain clearly how the decision that this or that farm is a compassionate case is reached, and I think; just to say that it is the Kenya Government who decides, is not enough. What I am trying to get at is, what steps does the Government take to ensure that no idle settler could pose as a compassionate case and get his farm bought? Again, if a settler only has bad health and comes forward and says that he is a compassionate case, I do not see that that is enough reason because you will find that in many of these farms the owner of the farm does very little. Many of them have big farms although they have bad health, but they have managers and the owners often do very little. We would like to know whether there is a body who sits down and decides which are compassionate cases and which are not, and also what safeguards the Government has to see that no idle settler poses as a compassionate case?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, there was a Government Committee operating which went into every single case, and I might say for the benefit of the hon. Member, the Parliamentary Secretary for Education, that anybody who has a big farm is not accepted as a compassionate case. Any farm, Mr. Chairman, that can afford a manager is not accepted as a compassionate case. This is my understanding. There was a Government Committee which was set up many months ago by the Coalition Kenya Government, who started looking at this. This is just the end of an exercise that we have inherited that we are now running into, in the Board of Agriculture; they scrutinized all these people and I gather that they scrutinized something like 450 or 500 people and cut them down to this list of just under 200 people. As some people may have seen in today's paper, there is an article about a one-legged man who has been left off the compassionate list. So a great number of people who thought that they were compassionate cases have been left off the list and I gather that this Committee was very strict indeed.

Firstly, they were not prepared to take as a compassionate case anybody who had the finance to take care of themselves without their farms; secondly, if they could afford a manager they were told to employ a manager and that they were not a compassionate case. These cases that they have taken are honestly the difficult people who are in bad health, who do not have children

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to help them, who are in bad financial straits. They are not people who could afford to continue to operate their farms. I would admit that in the early days, from information which has come our way, there were certain people who became compassionate cases although they should not have done, but I can give this House an assurance, Mr. Chairman, that from when we came in as the Government, nobody has been able to sneak through as a compassionate case who was not a genuine compassionate case. I cannot speak for what happened before we became the Government.

Mr. Mutiso: Mr. Chairman, in view of that fact that this country formerly was composed of settlers or farmers from various parts of the world, and the Minister has now assured the House that no other person other than a Kenya citizen is allowed to buy out farms, could we be told whether the Government is taking steps to ensure that the former nationals, who are not Kenya citizens, cannot continue to own land in the country?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): That, in my opinion, is outside these Estimates.

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): On a point of order, Mr. Chairman, I propose that the question be now put.

(The question was put and negatived)

Mr. Masinde: Mr. Chairman, Sir, I want to hear from the Minister whether this £200,800 is the total sum for buying all the farms for the settlement schemes, and the compassionate cases? May I be told by the Minister how much has been spent on the settlement schemes and how much has been spent on the compassionate cases, or will be spent on the compassionate cases? How much is the personal emoluments—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, I already said earlier on, that I have not got these figures available but I am prepared to ask my colleague,

the Minister for Settlement to have them available and to give them to hon. Members.

The Chairman (Mr. De Souza): Mr. Gichuru, it is now 12.30 p.m. Would you like to move that this House does report progress to the Speaker and begs leave to sit again. There are obviously a lot of people who would like to ask questions on this and I think it is only fair that we continue on Tuesday.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Chairman, what is the procedure? Can we carry out the procedure which will allow us to have an extended five or ten minutes and finish this today?

The Chairman (Mr. De Souza): We, the Committee, have to report to the Speaker, and we can then beg leave of the Speaker to sit again now, this afternoon, or this morning, if necessary. That, of course, is for the House to decide.

(The House resumed)

[The Speaker (Mr. Slade) in the Chair]

PROGRESS REPORTED

SUPPLEMENTARY ESTIMATE No. 2 of 1963/64—
RECURRENT EXPENDITURE

SUPPLEMENTARY ESTIMATE No. 1 of 1963/64—
DEVELOPMENT

Mr. De Souza: Mr. Speaker, Sir, on behalf of the Committee of Supply, I beg to report progress and I beg to apply for leave to sit again.

The Speaker (Mr. Slade): Is there any question of sitting again at any unusual time, or do you mean next Tuesday?

Mr. De Souza: Next Tuesday, I think, Sir, is the feeling of the House.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business, the House is therefore adjourned until Tuesday, 3rd March, at 2.30 p.m.

The House rose at thirty minutes
past Twelve o'clock.

Tuesday, 3rd March 1964

The House met at thirty minutes past Two o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

NOTICES OF MOTIONS

LIMITATION OF DEBATE: MOTIONS ON THE ADJOURNMENT

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanon Singh): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

* THAT the debate on any Motion for the adjournment to a day other than the next sitting day shall be limited to a maximum of one and a half hours with not more than five minutes being allotted to each Member speaking.

KISWAHILI FOR THE NATIONAL ASSEMBLY

Mr. Godana: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House, being satisfied that the Kiswahili language is the most suitable medium for keeping the Government, the leaders and people of this country in close contact, urges the Government to introduce legislation replacing the use of the English language by Kiswahili for conducting all proceedings of both Houses constituting the Kenya National Assembly.

IMPLEMENTATION OF THE LAWRENCE REPORT

Mr. arap Moli: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House, being aware of the need to stabilize the teaching profession for the good of our country, urges the Government to implement the Lawrence Report on teachers' salaries at once so as to alleviate teachers' anxieties.

LABOUR LEGISLATION: PAID LEAVE

Mr. Omar: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House, being aware that some individuals and private firms do not grant their employees leave, urges the Government to introduce legislation which makes obligatory that every employee who has completed twelve months' service to be granted a minimum of fourteen days' paid leave.

RECRUITMENT OF SAMBURU TRIBAL POLICE

Mr. Rurumbani: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in view of the death of Samburu tribesmen resulting from continual raids and shootings by neighbouring tribes living on the north and east of Kenya, this House urges the Government to find money for the recruitment of a sufficient number of local tribal policemen to protect the Samburu from these constant raids.

Question No. 77

MALNUTRITION SURVEY: BUSIA DISTRICT

Mr. Makokha asked the Minister for Health and Housing if he would arrange for an intensive survey of malnutrition in Busia District.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Koodhek): Mr. Speaker, I suggest we leave that one to the end, as the Minister is not here to answer.

The Speaker (Mr. Slade): Yes, we can have it at the end, if the Minister will be here to answer it then.

Question No. 82

REINSTATEMENT OF DISMISSED POLYGAMIST TEACHERS

Mr. Makokha asked the Minister for Education if the Minister was aware that teachers had been dismissed for being polygamists, and if the Minister would take steps to have them reinstated immediately in view of the dire shortage of qualified teachers.

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. No, Sir. If the hon. Member will send me details of the cases he has in mind, I will look into them. I understand, however, from the Attorney-General that, whenever a teacher is married to two persons at once, and either marriage has been contracted under the Marriage Act, he is guilty of an offence punishable with a maximum of five years in prison. For this reason, until I have details, I cannot express any opinion on the possibility of reinstatement.

Mr. Gatuguta: Mr. Speaker, Sir, is the Minister aware that under the African customary law, anybody can marry any number of wives?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, the hon. Member does not need to teach me that. I said if an hon. Member or anybody else, or a teacher, is married to two

[The Minister for Education] different persons under the present law, the Marriage Act. I did not say if he had married under African customary law. So the hon. Member is quite at liberty to do what he likes.

Mr. Makokha: Arising from one of the Minister's replies, if by supplying the names of those teachers who have been dismissed for being polygamists, will he promise to reinstate them?

The Minister for Education (Mr. Otiende): Mr. Speaker, I have answered the question, but I shall say again that I will look into the question, and see if what the hon. Member calls a polygamous marriage—whatever that means under the law, I do not know—is a real problem. If a teacher has contracted to go into two different marriages, I will hand him over to the law.

Mr. Masinde: Arising from the hon. Minister's reply, is the Minister aware that most teachers, all teachers, are Africans and they are getting married to more than one wife according to African customary law?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I do not think teachers have decided to be Africans. Most of them have chosen to be foreigners, since they get married under a foreign Ordinance.

The Speaker (Mr. Slade): This is amusing hon. Members very much, but I do not think hon. Members will get any further on this. The Minister has said he is not yet aware of teachers being dismissed for polygamy. Until he is so aware, I do not think we can go any further.

Mr. Gichoya: On a point of order, Mr. Speaker, Sir, can we be allowed to get clarifications on the same question if it is finished?

The Speaker (Mr. Slade): No, we have gone on to the next question now.

Question No. 83

SETTLEMENT SCHEMES: ENDEBESS AND SABOT

Mr. Barasa asked the Minister for Lands and Settlement if the Minister would consider the taking over of the better land in the Endebess and Sabot areas for settlement schemes in the Trans Nzoia in addition to the less productive land in the Lugari and Naitiri areas around Mount Elgon?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply.

The Central Land Board is the body responsible for the selection and purchase of land for

approved settlement schemes, and each region is represented on the Board by its appointed member. The land available for allocation to the various regions is, of course, limited by the finance available.

If the Regional Authorities of the Western Region consider that the land referred to by the hon. Member should be purchased for settlement, they should first consult with the Ministry of Settlement for the purpose of drawing up an agreed settlement plan. This agreed plan would then be considered by the Board in the light of the requirements of the other regions and of the finance available.

For the hon. Member's information, the Chairman of the Central Land Board has informed me that virtually all the funds provided for the Million Acre Scheme are now either spent or committed; and that future purchases of land for settlement are likely to be contingent on further finance being made available.

Mr. Barasa: Mr. Speaker, Sir, is the Parliamentary Secretary aware that the land in Trans Nzoia, before 1911, belonged to the Africans? The Africans were evicted at that time to leave room for the Europeans who used to come to settle in that area.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): No, Sir, the Government is not so aware. The land belongs to those people to whom the title has been issued.

Mr. Masinde: Mr. Speaker, Sir, is the Parliamentary Secretary aware that the Trans Nzoia areas, which form a part of the rich land in West Kenya, could be suitable for settlement, more than the Sofi land which is fairly dry?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, I think the hon. Member is probably referring to the Lugari Settlement Scheme, and around there. We feel that the settlement schemes in Lugari are going quite well, the land may not be of as high quality as it is on the slopes of Elgon, but we do not think it is unsuitable for high-density settlement.

Mr. Masinde: Mr. Speaker, Sir, in view of the fact that the Parliamentary Secretary realises that the land in the Lugari Settlement Scheme is not as rich as that on the slopes of Elgon, what is he doing in order to get smallholdings on the Mount Elgon slopes?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, as I have explained, we cannot enter into any other

[The Parliamentary Secretary for Lands and Settlement] commitment as to the purchase of land for settlement schemes until we have negotiated further funds.

Mr. Gichoya: Mr. Speaker, Sir, may we be told whether the principle of establishing the ownership of land is based on the title deeds?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, under the Constitution, which is constantly reiterated by the Government, private property is respected by this Government. The owner of piece of land is he in whose name the title is issued.

Mr. Barasa: Mr. Speaker, Sir, is the Parliamentary Secretary aware that Africans were not entitled to such land before a certain time, and therefore it is the duty of his Ministry to see that Africans get more priority over everybody else?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, this is being done. All the settlement schemes are designed for African settlement and by order of my Minister, all compassionate case farms which come on the market are now automatically made available to Africans. We are, at the same time as settling Africans on land, also providing them with the title to that land as rapidly as possible.

The Speaker (Mr. Slade): If any hon. Member is asking a question on procedure for acquisition of land other than the settlement schemes, it is not relevant to this question. The question relates to settlement schemes.

Mr. Mairori-Itumbos: Mr. Speaker, Sir, is the Parliamentary Secretary aware that Indians or Asians are now leaving their trading centres all over Kenya and arranging to buy in these particular areas?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, I think this rather prejudices the question which is about to come, but I am aware that there has been a certain amount of Asian buying and a certain amount of European buying on a free, willing buyer, willing seller basis. They are not concerned with settlement schemes nor are they concerned, at this time, with compassionate cases.

Mr. Masinder: Mr. Speaker, Sir, arising from the previous reply, is the Parliamentary Secretary implying that the rich Africans who can afford to buy bigger lands, buy richer land and the Africans who are poor are sent to dry areas where they cannot buy proper small holdings?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, may I suggest that this a question which comes directly in Question No. 84 which follows?

The Speaker (Mr. Slade): I think it is more relevant to the question which follows than to the one we are now dealing with.

Mr. Khasakhaha: Arising from the Parliamentary Secretary's reply, it has been said that the land at Lugari is not as good as land around Elgon. Could the Parliamentary Secretary tell us how Africans that have been settled in this area are going to benefit if the land is poor?

The Speaker (Mr. Slade): That does not really come under this question. The question here is concerned with the Endebess and Sabot areas.

Mr. Mboogh: Mr. Speaker, Sir, will the Parliamentary Secretary assure this House that his Minister will not just sit down and look at the capitalists exploiting the Africans in the area of Endebess and Sabot?

Settlement (Mr. Marrian): Mr. Speaker, Sir, I will give an undertaking that this Government will pursue the question of additional funds in order to provide more land for Africans.

Question No. 84

LAND SALES: ENDEBESS AND SABOT

Mr. Barasa asked the Minister for Lands and Settlement, if the Minister was aware that land in Endebess and Sabot was being sold to rich buyers whereas that around Mount Elgon was being parcelled out to the landless and the poor?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply, I am fully aware that large farming units in the Trans Nzoia District are being bought by African purchasers often operating as groups. This process is entirely in accord with the Government's policy to preserve larger farming units, so necessary to the country's agricultural economy and to ensure at the same time that as many Africans as possible can participate in large scale farming. Any African from any part of the country is at perfect liberty to purchase a large farming unit in the old Scheduled Areas provided, of course, that he has some money which can be augmented by a Land Bank loan and the skill and diligence to run the farm successfully. The hon. Member does not make it clear what he means by his reference

[The Parliamentary Secretary for Lands and Settlement]

to land around Mount Elgon "being parcelled out to the landless and the poor". If he means, as I take it he means, the Lugari Settlement Schemes then of course I am perfectly aware of this. The implementation of such schemes is the sole reason for the existence of the settlement side of my Ministry.

Mr. Barasa: Mr. Speaker, Sir, would the Parliamentary Secretary assure this House that before consideration is given to any Asian or any other person, landless Africans are fully considered and land is made available to them?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, as I have explained, all the settlement schemes and now all the compassionate cases, automatically go to Africans. I have also explained that there is a certain amount of buying on a willing seller, willing buyer basis outside the settlement schemes.

Mr. Barasa: Mr. Speaker, Sir, is the Parliamentary Secretary aware that the Africans are being classified, and the poor are being put in one camp and the rich in another camp?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, the Government is doing all it can to provide land for Africans who cannot afford to buy it. This is the whole reason and object of the high density settlement schemes for which we have bought, or are in the process of buying, upwards of a million acres of land. There has never been any suggestion, that it is Government policy that, parallel to this, there should not be a free market in land, that if an African has been able to save enough money to buy a parcel of land, he is unable to do so. This does not mean that the Government is not concerned with the man who is poor and cannot buy for himself. This is the whole object of the high-density settlement schemes.

Mr. Barasa: Mr. Speaker, Sir, is the Parliamentary Secretary aware that all the land in Kenya belongs to the Africans and at this time all the Africans would like to occupy the land without buying?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, I have already answered this question. The land belongs to those to whom a title has been issued.

Mr. ole Tipis: Mr. Speaker, Sir, is the Parliamentary Secretary aware that European farmers do sell their farms in the lower part of the Rift and go to buy land in this particular area?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, I am not quite sure which particular area the hon. Member means. I am aware that there is a certain amount of selling of land round about that part, and I am also aware that there is a certain amount of purchasing of land in other areas.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies by the Parliamentary Secretary, could he give us a breakdown of the Asians or Europeans that have bought land in this particular area within the three months past; and secondly, could the Parliamentary Secretary tell us which of those people have land elsewhere or have sold land elsewhere to take advantage of that land available?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, I cannot answer all the Leader of the Opposition's questions. In the area concerned, which is the area of Endebess and Sabot—it is not clearly defined, but I did try and get as much information as I could from looking at the map on this—as far as the Asian purchase is concerned, the answer is three. There is, I understand, one Asian/African purchase, and there are approximately twenty to thirty individual African purchases. Whether there has been any sale and purchase of land between Europeans in that area, I am afraid I cannot tell.

Mr. Gataguta: Mr. Speaker, Sir, is the Parliamentary Secretary aware that some of these people buy land on a speculative basis under the pretext that they are trying to develop the economy of the country, and that the economy of the land may deteriorate because these people are not interested in developing the land as such, they are merely interested in selling land later at a profit? And I am referring particularly to the Asian traders.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, the Government is very opposed to any traffic in land for speculative purposes. My colleague, the Minister for Agriculture, is responsible for seeing that the land in Kenya is developed to the maximum. He has certain powers, that if owners of farms do not develop their land properly, he may take steps to see that they go into the hands of people who will develop them properly. If speculation involves non-development, or under-development, I am quite sure that my colleague, the Minister for Agriculture, will take action.

Mr. Anyieni: Mr. Speaker, Sir, will the Parliamentary Secretary tell this House whether the decision to sell land to the Asians was made by

[Mr. Anylen] the Cabinet, by this House, by Regional Assembly or by the county councils?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, in this country there is a free market in land between anyone of any race, subject to control by the Regional Land Control Board, which is a body akin to and allied to the county council.

Mr. ole Tipis: Mr. Speaker, Sir, arising from one of the Parliamentary Secretary's replies to my supplementary question, he did admit that Europeans from the Lower Rift were buying land in this particular area. Can he now tell us that the Africans in this particular area are not landless so that these Europeans should be allowed to sell and move from their previous farms to this particular area?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, so long as the Government is doing all it can, within the region of finance available to it, to settle landless Africans, I cannot see that it matters particularly whether a farm which the Government is not in a position to buy happens to be in the hands of Mr. A or Mr. B. What difference does it make?

The Speaker (Mr. Slade): We will go on to the next question now.

NOTICE OF MOTION ON THE ADJOURNMENT

LAND SALES: EMBERESS AND SABOT

Mr. Barnas: Mr. Speaker, on a point of order, I have not been satisfied with the answers of the Parliamentary Secretary. Could I raise the matter on a Motion for the Adjournment.

The Speaker (Mr. Slade): It is a proper matter to raise on the Adjournment. The only difficulty will be to find the occasion for it, because we already have two Adjournment debates for this week, which is our limit. I doubt if we will sit next week. But I will note your desire to raise it on the Adjournment when the first opportunity arises.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): May I know from the hon. Member whether it is question \$3 or \$4 he wishes to raise? (Cries of "Both").

Mr. Kamau: On a point of order, Mr. Speaker, I seek your guidance, Sir. Is it is order for you, Mr. Speaker, to stop or close the questions before a Member's questions are answered?

The Speaker (Mr. Slade): Yes, Mr. Kamau. It rests with the Speaker to decide whether we must move on to the next question. If that was not decided by the Speaker or someone else, we should be here all day having Supplementaries.

Actually, for the information of hon. Members, visitors from the House of Commons tell me that hon. Members of this House are given much more latitude over Supplementaries than they ever get in that House.

Question No. 85

CIVIL SERVANTS: ENGAGEMENTS

Mr. Kiprotich asked the Minister of State, Prime Minister's Office if the Minister would tell the House how many people had been accepted for employment in the various Ministries without being engaged through the proper channel, namely the Public Service Commission, since June 1963 when the country attained internal self-government?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to reply. Since Kenya attained internal self-government no persons have been engaged in the various Ministries other than through the proper channel, nor have any persons been employed without the authority of the Public Service Commission.

Mr. Gatuguta: Mr. Speaker, Sir, is it true that in some Ministries they first of all engage someone on an acting basis and then advertise the job and all the Public Service Commission does is to confirm that appointment?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, there is a provision whereby Permanent Secretaries are allowed to employ people in their Ministries, provided their salary does not exceed £394 4s.

Mr. Gichoya: Mr. Speaker, Sir, in putting this question I would like to have clarification not from the same Minister but from the Minister for Home Affairs. So long as I see Executive Officer No. 1 and Executive Officer No. 2, who otherwise were not, so far as my knowledge goes employed by the Public Service Commission, I would like to ask: was the same principle being followed or another principle?

Mr. Ngala-Aboka: On a point of order, Mr. Speaker, is it in order for another Minister to be asked to answer a question when the Minister was answering on behalf of the Government?

The Speaker (Mr. Slade): Only one Minister answers each question and all Supplementaries thereon.

Mr. Gichoya: On a point of order; whatever the Minister may say, this is not within the Constitution.

The Speaker (Mr. Slade): What is your point of order?

Mr. Gichoya: My point of order is this. He says the Public Service Commission employs everybody. We voted for money here, Mr. Speaker. We know that the Executive Officer No. 1, and No. 2 in the Ministry of Home Affairs were not employed by the Civil Service Commission.

The Speaker (Mr. Slade): Mr. Gichoya, you ought to know by now that that is not a point of order. I have repeatedly rebuked hon. Members for raising fraudulent points of order. Next time if there is such a blatant case, the hon. Member will leave the House for the rest of the day.

Mr. Ngala: Arising from the Minister's reply, could the Minister give a reply to the question which has been put by one of the hon. Members opposite? It is alleged that there are some people who act in positions prior to consideration by the Public Service Commission. We would like to know whether this is happening in the Government. That is very different from a Permanent Secretary employing a person, in acting positions before the Public Service Commission considers it.

Secondly, could the Minister tell us whether the Executive Officers No. 1 and No. 2 in the Ministry of Home Affairs have been appointed through the proper channels?

The Minister of State, Prime Minister's Office (Mr. Murumbi): I am not going to give a reply to that.

Mr. Kiprotich: Mr. Speaker, Sir, it seems to me that the Minister does not know what is going on in the Government. Could he tell me today, whether there were some students from Czechoslovakia, who were taken in without passing the Public Service Commission, and they were appointed—

The Speaker (Mr. Slade): Asy your question, Mr. Kiprotich.

Mr. Kiprotich: I want to make it clear to him because he does not know what is going on in the Ministries.

The Speaker (Mr. Slade): Question time is not an occasion for hon. Members to make things clear to Ministers. It is for Ministers to make things clear to Members, which is achieved by questions to them.

Mr. Kiprotich: Mr. Speaker, Sir, I would like to know on which date these students from Czechoslovakia were selected in the Public Service Commission?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, if the hon. Member would provide me with the names I could tell him, but I am afraid I cannot answer at the moment.

Mr. Ngala: Arising from one of the replies, could the Minister give us a date on which the applications of Executive Officers No. 1 and No. 2 were considered by the Public Service Commission and the Official Gazette which published the appointment of these two officers.

The Minister of State, Prime Minister's Office (Mr. Murumbi): I do not think I am expected to have all this information in my head. If you would give me details I will try to find out.

Mr. Gichoya: Is the Minister willing to accept — he has to say in this House—that when the positions and the officers are named that he is going to bring to the House that Mr. X and Mr. Y have been appointed to those positions?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, nobody has mentioned who is Mr. X and Mr. Y. I am afraid I cannot guarantee to bring a reply to this House.

Mr. Ngala: Mr. Speaker, does the Minister agree with me that he is ignorant of his work, because the Executive Officers No. 1 and No. 2 in the Ministry of Home Affairs is a Government post. Here is a Minister who does not know his own department.

The Speaker (Mr. Slade): You have asked the question, Mr. Ngala.

The Minister of State, Prime Minister's Office (Mr. Murumbi): No, Sir.

Question No. 87

MOBILE CINEMA UNIT: OPERATION

Mr. Kioko asked the Minister for Information, Broadcasting and Tourism if the Minister would tell the House why the Government's Mobile Cinema Unit had ceased to operate, especially in the Reserves.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko): Mr. Speaker, Sir, I beg to reply. All Kenya Government Cinema Units were suspended at the end of 1960 as a result of Government's instruction to effect immediate and essential economies during the financial

[The Minister for Information, Broadcasting and Tourism]

year (1960-1961). Since then, the Government has not re-established the Film Making Unit due to shortage of finance.

Mr. Kioko: Arising from the Minister's reply, is the Minister aware that people in Kenya are in need of these services today?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): Mr. Speaker, I am very much aware of that.

Mr. Jahuzi: Mr. Speaker, Sir, does the Minister realize that due to the vacuum created by the withdrawal of these Mobile Cinemas, the public is now subjected to a lot of propaganda from foreign Mobile Cinemas and the commercial interests.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): Mr. Speaker, I was answering the question on the African Film Making Unit, however, at the same time I would like to inform the House that at the moment we have a total of eight Mobile Film Units. Each Unit is equipped with a public address system, and film projector. This does not mean that I am satisfied with the number of equipments we have, because we will have to re-establish a Film Making Unit to supply and to give adequate information. The second question as alleged by the hon. Member may be so to a certain extent. But it will be remembered that information to the public passes through the Kenya Information Department or the Kenya Broadcasting Corporation.

Mr. Ngala-Aboki: Mr. Speaker, Sir, could the Minister assure the House that he is aware that Mobile Cinema Units can be of great educational value to the rural people, and that everything must be done to start them going again?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): I am quite aware, but because of the shortage of funds it may take some time before the Film Making Unit is re-established.

Question No. 77

MALNUTRITION SURVEY: BUSIA DISTRICT

Mr. Makokha asked the Minister for Health and Housing if the Minister would arrange for an intensive survey of malnutrition in Busia District.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I beg to reply.

There is a Nutritional Team today in Kenya consisting of people in my Ministry and some experts from the World Health Organization. They are doing nutritional surveys in Kenya, and Busia being a district in Kenya, will be included in the survey.

Mr. Masinde: Mr. Speaker, Sir, will the Minister tell us when this team will reach Busia District, because there is already a terrible malnutrition problem in existence there?

The Minister for Health and Housing (Dr. Mungai): The problem is not in Busia District alone, and they will get to Busia when it is time.

Mr. Masinde: Mr. Speaker, Sir, is the Minister aware that at the moment, Busia District has no hospital or medical facilities, and needs first priority in this question?

The Speaker (Mr. Slade): That does not come into the question.

Mr. Makokha: Mr. Speaker, is it a fact that this mission may take some time before it reaches Busia? Could the Minister consider empowering the Health Inspector there to carry out this survey?

The Minister for Health and Housing (Dr. Mungai): No, the team will get to Busia in time.

Mr. Maisori-Rumbo: Arising from the Minister's reply, that the problem is not only in Busia, what does he plan to do in the near future with regard to this grave situation in Kenya?

The Minister for Health and Housing (Dr. Mungai): You will get the answer after the surveys.

Mr. Ngala: Will the Minister tell the House when the team will reach Busia District, and before it reaches Busia District what does he intend to do with the serious problem of malnutrition as it exists there, and to what extent?

The Minister for Health and Housing (Dr. Mungai): Even now, we are dealing with problems of malnutrition. We get units of milk and distribute it, and advise the people to grow more food.

Mr. Makokha: Mr. Speaker, may I know where this team is at the moment?

The Minister for Health and Housing (Dr. Mungai): May I know why the Member wants to know where the team is at the moment?

The Speaker (Mr. Slade): He is interested in its movements towards Busia.

Mr. Masinde: Mr. Speaker, Sir, arising from one of the Minister's replies, is the Minister implying that milk is supplied to every person where this malnutrition exists?

The Minister for Health and Housing (Dr. Mungai): No, not to every person. It is very difficult to supply to every person.

The Speaker (Mr. Slade): I have to remind hon. Members that on the adjournment today Mr. Anyieni is to raise the matter of low and discriminatory intake of students into secondary schools.

COMMITTEE OF SUPPLY

(Order for Committee read)

[The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The Chairman (Mr. De Souza) took the Chair]

MOTION

SUPPLEMENTARY ESTIMATE NO. 1 OF 1963-64—
DEVELOPMENT

(Continuation of sitting of Committee of the
Whole House interrupted on 28.2.1964)

Subhead A2—Grants for Purchase of Agricultural
Properties

The Chairman (Mr. De Souza): Hon. Members will be aware that we finished the Supplementary Estimate on Recurrent Expenditure, and we were discussing the last item on the Development Estimate. The last item was A2—Grants for Purchase of Agricultural Properties.

Mr. Masinde: Mr. Chairman, Sir, I had raised a question on item A12, on the Development Estimates, and I wanted the Minister for Lands and Settlement to give us the breakdown of how much of this money has been spent for settlement schemes hire purchase, and that one which was given to these people as loans.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Chairman, I think it might help the hon. Member if I were to give him a breakdown of what this money is. He will appreciate that A1 is Loans and A2 is grants, the one being exactly related to the other. As far as the grant element is concerned, it is thirty-three and a third per cent on all purchases for high density and fifty per cent on all compassionate cases, but I think I can only answer this question fully by giving him the breakdown, and the four figures which make up the £1,332,700. They are as follows. The £500,000 which has to be brought forward from the 1962/63 years, where land was

purchased in the subsequent year, because there had not been time to purchase it in the previous year. That in this vote is half a million pounds. Secondly, the British Government made available £680,000 for the purchases of compassionate case farms during this year. The total figure in fact was a little higher, being around £860,000, and the short fall was made up by premature repayment from Land Bank loans which fall in when we purchase a farm. Thirdly, at the very beginning of the settlement schemes, promissory notes were issued and, owing to an oversight, the repayment of these promissory notes or the making good of these notes was not entered in the Estimates, and this accounts for £105,000. Fourthly, there is the short fall from the Land Bank amounting to £127,000. Hon. Members will appreciate that when a farm is bought there is usually a first mortgage on the farm and money owing to the Land Bank. This money comes back to Government and is taken off the amount of money which is necessary. We had estimated that this would amount to approximately £2 per acre, but we find that it is running at about 30 shillings an acre, and therefore this short fall has to be made good because not quite as much money has come back from the Land Bank as we hoped. This amounts to £127,000 which gives a total of £1,412,000. The difference between this and that put in the Estimate, was £80,000 which was a saving on World Bank schemes on the purchase price. The valuation for these schemes has been rather less than our Estimate.

Mr. Masinde: Mr. Chairman, Sir, arising from the Parliamentary Secretary's reply, may I know from the details—accordingly to my previous question—how much of the total is now being spent on small holding settlement schemes, and how much is being spent on compassionate cases, and how much is going to personal emoluments?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, on a point of order, is it correct that you are not sitting in the middle?

The Chairman (Mr. De Souza): It is correct, but the Clerk is helping the Assistant Clerk to show him the work, so I am sitting on the edge.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): The sum of £680,000 has been spent on compassionate cases. The remainder of the money is being spent on purchase development, and administrative costs. I am not quite sure what the hon. Member means by personal emoluments. Does he mean personal emoluments paid in the administration of the scheme?

Mr. Masinde: Yes.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): I can give him a percentage breakdown on those costs which are neither purchases nor development loans, that is the administrative costs, what we call the other costs of the scheme, which amount to 22 per cent. Of the 22 per cent, three per cent of that represents the cost to the Central Land Board, 29 per cent represents the costs to settlement, 32 per cent represents the advisory services provided by other departments such as Agriculture, Veterinary and Co-operative Development, and 22 per cent goes on resettlement development of land. From that it is seen that approximately one third of that 22 per cent is spent in administration, so we come down to a figure of approximately 7 per cent of the whole scheme is administrative costs.

The Parliamentary Secretary for Education (Mr. Kagga): Mr. Chairman, when we were discussing this point the other day, I raised the question of the body which decides which farm is a compassionate case and which is not. I was given an answer that there was a committee which does this job. Mr. Chairman, I would like to know from the junior Minister the composition of this committee, and if possible whether the members of this committee are settlers.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Chairman, Sir, the question is now really academic because all compassionate cases have been decided, and the British Government has said that there will, in fact, be no more. The determining body was the Agricultural Production Committee making its recommendations to the Central Agricultural Board. The Central Agricultural Board then was the final arbiter, subject to the overriding choice, I believe, of the Minister for Agriculture.

Mr. Anyieni: On a point of order, last time we were discussing this, it was the Minister for Agriculture who was answering. Today I see it is the junior Minister for Land Settlement.

The Chairman (Mr. De Souza): It does not really matter which Minister answers for Government.

Mr. Anyieni: I did not get an answer to the last part of my question, Mr. Chairman. Were these Members settlers?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, the Agricultural Production Committees sit all over the country and are concerned with exactly what they say, which is agricultural production. The

chain of command from here now comes to the Central Agricultural Board. These committees in the Scheduled Areas were originally, of course, entirely staffed by settlers, but this is no longer true today.

Mr. Anyieni: Mr. Chairman, there is one thing we would like to know. We know very well that when the Europeans came to this country they obtained this land either by buying it or by receiving it as a reward for the services they offered in the defence of the British Government during the war. Does the original payment for the land have any relationship to the payment the farmer gets today under compassionate terms or under any other terms?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): The answer to the question, Mr. Chairman, is that there is no direct relationship. I think the House knows that the valuation for the settlement schemes is on 1959 values for both the compassionate cases and the high density schemes. This does not specifically relate to the price at which the land was bought. It may have been bought at a higher price, it may have been bought at a lower price, but of course, during the years the farmer has probably spent a great deal of money on the development of that land.

Mr. Anyieni: Mr. Chairman, this land which the Parliamentary Secretary says was probably bought at a lower price and is now bought at a higher price, will he tell us that the price he is offering, the 1959 price, is not the current market price and that it is too high, and that nobody would get that price anywhere else for land?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Chairman, the year 1959 was chosen, because that was the last time at which there was enough traffic in land for the valuers to be able to determine what the price was. What I must point out to the House is that all this land is being bought with money provided by the British Government. The British Government laid down certain conditions if the money was going to be lent, and those were that there would be an independent valuation, and that that valuation would be based on 1959 values. Now, this applies to the million-acre scheme, which as I have explained in my replies, is nearly completed. You will be aware that the Government is considering what should happen in the future. It has been announced by Government that it is likely that the present method of settlement will also come to an end at the end of the million-acre scheme, and the Government

[The Parliamentary Secretary for Lands and Settlement]

will go more and more in for the type of co-operative or state-type operation. If we are to go ahead, we shall have to negotiate more money and it may well be that the terms on which the money will be negotiated will not be the same as that on which it was negotiated for the million-acre scheme. But the facts that I have given really relate more to the past than to the future. I think that probably what the Members should really be concerning themselves with, and should have an interest in, is the terms on which future money will be negotiated rather than the terms on which past money has been negotiated, which has really almost come to an end now.

Mr. Gichoya: Mr. Chairman, Sir, what I would like to know from the junior Minister is this, are we to understand that the members of the Valuation Board were, at one stage, the farmers who were bought out? And, if they were, is the House right when we believe that the very people who were the victims are also the judges?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Chairman, I am not sure that they were the victims. In the main, these valuers are highly qualified professional men who have gone through a long period of training, which was anything from four to five years long and, basically, they have made land valuation their profession. They are not farmers and they have never had anything to do with farming as such, they are only concerned with the valuation. Mr. Chairman, They have not had anything to do with farming on their own account. It may be that there has been a valuer who, at some time, has taken part in farming. This is possible, but I do not know the answer to this. However, I can assure the hon. Member that never, under any circumstances, has a valuer, a professional valuer, valued his own farm for sale to the Central Land Board.

Mr. Gichoya: Mr. Chairman, arising from the reply, Sir, the Parliamentary Secretary has more or less confirmed that some of the valuers are members of the bought-out group.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): On a point of order, Mr. Chairman, I would like your ruling on this because words are being put into my mouth which I have never said. It has been suggested that I more or less confirmed that valuers were members of the bought-out group. I would like to make it perfectly clear that I never said anything of the sort. I said they were professional men. It may be that there has been a case where a man has been a farmer, but that is all I said.

The Chairman (Mr. De Souza): Will you accept the correction, Mr. Gichoya?

Mr. Gichoya: Yes, Mr. Chairman, the correction as it stands now does not change the original meaning so long as it comes after deduction. So, I am allowed the elasticity of teaching my conclusion—

The Chairman (Mr. De Souza): You may reach your conclusions, Mr. Gichoya, so long as you do not put words into his mouth which he did not say.

Mr. Gichoya: Mr. Chairman, what I have done is, by deduction methods, I have arrived at the conclusion which I personally consider to be valid. Nevertheless, what I want to say is this. There is a possibility that we have members who are very lax, bought-out by the valuation group, yet they are professional valuers. Could we know exactly whether a school for professional valuers has been set up in Kenya so that we can be in a position to send our own people to take up that special profession. If there is no such school, are we not allowed, as a free people, Mr. Chairman, to have our own people to determine what is good and what is bad for Kenya in terms of land valuation?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, on a point of order, may I have your ruling on whether this has anything to do with settlement or with the estimates we are discussing?

The Chairman (Mr. De Souza): I think we are going a little far away from this particular item. The question of whether there is a school of valuers in Kenya for Africans does, I think, go a little far away. I would prefer to have questions asked directly in relation to the question of loans for the purchase of agricultural property, or grants for the purchase of agricultural property. I think that is what we have to confine our questions to. I agree with Mr. McKenzie that the question is going a little too far. I think you have the answer as far as you can get it from Mr. Marrian on that particular point.

Mr. Anyieni: Mr. Chairman, on a point of order, I do not like your ruling on this. It has become the custom for things to be brought forward like this and when we ask questions relating to it we are told that they are not in order. I think the question relating to the valuation of land, and teachers, lecturers and experts, are all related to this, and we are not going to approve a thing like this until we are satisfied. I think the Member is quite in order.

The Chairman (Mr. De Souza): I will give my ruling on this again. There is always a limit beyond which you cannot ask questions because one can go ahead and say, "Where are the valuers educated, what was the college, who taught them," and so on, until you come to a point where, as it were, the supplementary questions are too remote from the main issue. I think that, at this particular stage, we are getting into a situation where you are getting very far away from the main topic, Mr. ruling is that you can ask any supplementary questions on the main item, but do not go too far away because we might then be discussing a question of what is in fact the college of valuers, rather than discussing a question on the point of loans or grants for the purchase of agricultural property.

Mr. Muisori-Iumbo: On a point of order, Mr. Chairman, is it in order for the Minister concerned to be absent every time we discuss such a vital project in his Ministry?

The Chairman (Mr. De Souza): It is in order for the Government to decide which Minister or junior Minister shall answer any questions. This particular estimate is being piloted—if that is the right word—by the Minister for Finance, who is very much present at the moment. Mr. Marran is answering any questions that any hon. Member would like to ask, presumably with his full consent.

Mr. Gichoya: Mr. Chairman, do you agree with me that the House is not satisfied with the answers given by the Parliamentary Secretary?

The Chairman (Mr. De Souza): Mr. Gichoya, is that a point of order? We do not want too many such fraudulent points of order, you have heard what the Speaker said earlier on.

Mr. Gichoya: It is a point of order. On Friday, we said we needed the Minister for Lands and Settlement, and his representative has come, his junior Minister. When the Minister for Agriculture failed to answer these technical problems, do you not think, Sir, that it is in order that we are supposed to have these things made clear before we leave this House? This technical hitch, whether academic or otherwise, ought to be made clear to me, as a Member of a constituency, so that I am in a position to explain to my people that the land settlement goes this way and the valuers go the other way—

The Chairman (Mr. De Souza): Order, order, order. Mr. Gichoya, this type of point of order will not be raised by you otherwise I am afraid I will have to take the strict action that the Speaker promised you earlier on. You are in fact trying

indirectly to challenge my ruling. My ruling was quite categorical, that that particular question of yours went very far away from the particular question we are now discussing.

Mr. Warlithi: Mr. Chairman, my question is on compassionate cases. Today the Parliamentary Secretary, when answering questions, stated that all compassionate cases have been bought and sold to Africans. Now, last time, when the Minister for Agriculture was answering questions, he stated that at the beginning some might have been bought by Asians or Europeans. Now, can we know from the Parliamentary Secretary whether there is any single compassionate case which has been sold to a non-African?

The Parliamentary Secretary for Lands and Settlement (Mr. Marran): Mr. Chairman, just before I come to the answer to this question, may I go a little further into something I said in answer to the hon. Members' questions about valuation? I said it was possible that we had employed a valuer who had, at some point, been engaged in agriculture. I have now confirmed through the officers of my Minister that in fact this is not the case and that no valuer has ever been a farmer. So I hope that that clears that point.

In answer to the question raised by the hon. Member behind me, I stated in Question Time today that my Minister has given an order that all compassionate cases were to be disposed of to Africans. As far as the current situation is concerned, I am sure the hon. Members will be satisfied on this score. As regards the past, the answer to the question is that twenty-five of these farms were sold to Europeans and four of them were sold to Asians. At this particular moment, when I quote these figures, eighty of them were sold to Africans and there are about a further fifty outstanding which will also be sold to Africans. Therefore, the final count will be, in rough figures, twenty-five, four and one hundred and twenty.

Mr. Warlithi: Mr. Chairman, following on that, on determining what is a compassionate case, apart from age and inability to farm, what are the other factors taken into account to decide that a particular farm should fall into the category of a compassionate case?

The Parliamentary Secretary for Lands and Settlement (Mr. Marran): Mr. Chairman, they are predominantly the two that have been mentioned, old age, frailty, physical disablement and, generally, an inability to use the land to the maximum standard. I am sure that hon. Members will agree that when old people get to this stage, it is

[The Parliamentary Secretary for Lands and Settlement] far better that they are bought out with some reward for their work over the years and that the farm is then farmed to the maximum capacity by a new and vigorous farmer.

Mr. Anyieni: Mr. Chairman, will the Parliamentary Secretary assure us that this policy is not discriminatory, in view of the fact that when some Africans were settled and some are unable to pay because of some natural unfortunate occurrences that these people are removed from the farms and they are not bought out as compassionate cases?

The Parliamentary Secretary for Lands and Settlement (Mr. Marran): Mr. Chairman, Sir, the money made available for compassionate cases is discriminatory to this extent, that it was money made available by the British Government for buying out British nationals, and only applied therefore to European farmers.

As regards the difficulty of African settlement farmers in paying their dues, all allowance is made in the event of some natural disaster, making it difficult or impossible for them to pay their dues. On the other hand, so long as no natural disaster has occurred, we do hope that hon. Members will do their best to ensure that payments are up to date because this is money loaned to the farmers by the Kenya Government.

Mr. Anyieni: Mr. Chairman, we would like to know, with regard to this £1,002,700 which we are asked to approve today, whether this money is also going to be given, in the form of loans, to some rich Asians and some rich Europeans for the buying or for the settling of the land. If this is the case, Mr. Chairman, we would also like to know whether those Africans today who are landless and who cannot enroll themselves at Makadara or any other place for employment, if these people will not be given a better chance for the betterment of this country instead of giving it to an already rich Asian who has probably got big storeys of buildings in Nairobi, again extending his aegis over the country, and as such depriving an African of his livelihood?

The Parliamentary Secretary for Lands and Settlement (Mr. Marran): Mr. Chairman, none of this money will be used for the settling of either Asians or Europeans.

Mr. Masinde: Mr. Chairman, Sir, we have got these replies, but it appears we are getting nowhere. Here one time, if you go back to HANSARD when the hon. Parliamentary Secretary now replying to our questions,

referred to money made available to the Kenya Government from the British Government, it was conditional that this money would be spent in that way. In other words, there was no policy laid down by the Ministry of Lands and Settlement on how this money would be spent and, for that matter, we are involved in spending a lot of money on items to which we were committed by another Government, which is not this Government. Now with that, Mr. Chairman, I want to get this point quite clear, that on compassionate cases, how many farms—I understood on Friday, from the reply by the Minister of Agriculture, that there were about 200 farms which were compassionate cases, and out of these 200 compassionate cases, how many have been purchased by Africans, and how many have been purchased by Europeans, who possibly have sold their land somewhere else.

Secondly, how many Europeans at present are employed in settlement schemes as settlement officers or doing senior jobs in settlement offices, and who have been owning land and have sold this land? And how many Africans are settlement officers?

The Parliamentary Secretary for Lands and Settlement (Mr. Marran): Mr. Chairman, the first part of the question I have already answered. The Minister for Agriculture, speaking from memory, said "around 200, give or take twenty or thirty either way". In fact, he was a little over the mark: the figure is on the true compassionate cases 153. And I have also explained that the number of Europeans that purchased in that programme, now stopped, was twenty-five and the number of Asians that purchased was four. This information I have already given to the hon. Member. I do not know whether perhaps he was absent at the time.

I am sorry—what was your second question?

Mr. Masinde: My second question is that when we asked this question some time back, and it is on record in HANSARD, when we asked who were to be settlement officers, and you said that some of these people have to be there because this money is not actually Kenya Government money, we have been given it by Britain and there are conditions as to how we should spend this money now, my question is: how many Europeans have sold their farms and are being employed by the Kenya Government as settlement officers in these schemes?

The Parliamentary Secretary for Lands and Settlement (Mr. Marran): The implication behind the question, Mr. Chairman, is not true. The

[The Parliamentary Secretary for Lands and Settlement]

implication, as I understand the question as phrased, was that one of the conditions laid down by the British Government was that we should employ European settlement officers. This is not correct. We merely employ those officers whom we feel can best do the job. I have explained in a rather long answer to the debate on the original estimates that, in fact, we could not have got settlement off the ground without the European settlement officer who has worked long and very conscientiously for the people that he is serving. We have initiated a policy of Africanization within the settlement schemes, and over the last few months we have taken on considerable number of African settlement officers. The proportion of African settlement officers to European settlement officers has now risen to 30 per cent. So 30 per cent of all settlement officers are now African. We are hoping to move ahead fairly rapidly until we get to a position of 50 per cent. But I must point out that the taking over of large tracts of land is not a very easy job, and it is not of land is not a very easy job, and it is not easy if one has not had experience in farming large areas of land. This is why we have had to reply, to a great extent, in the initial stages, on the European settlement officer.

Many of these European settlement officers will themselves have been farmers, but where else could we have gone for the experience which was necessary to run these schemes?

However, if I may repeat again what I said at the beginning, the British Government laid down no condition whether as regards the employment of European settlement officers and it is purely a matter for the Department of Settlement to run their department as efficiently as they can.

Mr. Pandya: Mr. Chairman, during the many questions that I have heard within the last few minutes from the hon. Members, I have detected a certain sense of ill will—if I may put it that way—against the fact that very few Asians and Europeans have bought some of this land. Would the Parliamentary Secretary confirm that there will be no discrimination on the grounds of race, as he said earlier that the Government does not discriminate on the grounds of race, creed or colour, and that all will be treated equally. What I want to emphasize is that all Kenya citizens—it does not matter what race they are—should be treated on an equal basis. Many of the questions that I have heard, Mr. Chairman, have tried to show why a few Asians or Europeans have been allowed

to buy this land or take this land. If the Parliamentary Secretary said that this Government is going to treat everybody equally, I want to assure from him that they will, in fact, be treated equally in spite of the shouts from some of the Back Benches.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Chairman, I have already stated that, as regards compassionate cases, my Minister has given instructions that these shall be sold to Africans. He has done this because he feels that the need is greatest amongst the African community, and because the purchase can be carried out on very advantageous financial terms. He also felt that perhaps the Asian and the European was able to afford to pay a higher price whereas the African was not, and therefore the particular financial facilities should be made available to that element in the country which is the poorer.

As regards the settlement schemes themselves—the high density settlement schemes—the hon. Member will be aware that the choice of the settlers to go out to the new land is entirely a matter for the regional authority. As far as I know the regional authority has never chosen anyone to put on these schemes other than an African, but I suppose in theory there is no reason why, if an Asian applied and the regional authority agreed, he should not go on.

As regards the private purchase of land within the country, it is outside the settlement schemes themselves. The hon. Member is correct when he says there is no discrimination in place of one race or the other, and anyone can buy irrespective of his origin. However, my colleague, the Minister for Agriculture, recently made it clear that the Land Bank has been authorized by himself only to lend money to Kenya citizens. Therefore, even though they can use their own money to buy farms the facility of the Land Bank would not be available to them unless they had taken out Kenya citizenship.

Mr. Ngala-Abok: Mr. Chairman, I think we must accept one fact here; that when dealing with matters like this and when the Ministry—

The Chairman (Mr. De Souza): Order, order. This particular discussion here is merely for questions and answers and not for a debate and this should not develop into a policy debate by any means. I have, in fact, given more latitude because of the very great interest shown and the desire of hon. Members to have certain points elucidated. I think we have gone as far as we can go. You

[The Chairman]

can ask a question Mr. Ngala-Abok but you cannot make a speech.

Mr. Ngala-Abok: Mr. Chairman, I just wanted to ask a question but I wanted to clarify my question before asking it. However, my question is that I want an assurance from the Ministry that, so long as it is well known that Asians have more money than Africans and the Europeans are known to be a richer community, there is going to be sufficient land for Africans. This must be accepted and, therefore, large purchases must be restricted to Africans as much as possible and no priority should be given to Europeans and Asians because they happen to have the money, or because they happen to have the knowledge to develop land and happen to have more facilities. I think the basic principle should be that the land must be given to the African at all costs.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Chairman, Sir, what I want to say is that it would be extremely damaging to the economy of this country were this Government to attempt to restrict the buying and selling of land between a willing buyer and a willing seller of any race. Once the transfer of land in this way is restricted, the whole agricultural industry will be stultified, development will come to a halt and the overall economy of this country will suffer in a marked degree. Any man, no matter what he is engaged in—whether he is engaged in agriculture or industry—likes to feel that what he is doing is with something which has some negotiable value. If the country were to move to a policy where the negotiations were to be destroyed, it would not be a benefit to this country as a whole.

However, as I have constantly said, the Government is moving ahead with land reform; the purchase of land by money borrowed by Government from Europeans for the use of Africans who cannot afford to buy land. I hope that hon. Members will feel that this is the correct way to approach this problem, rather than to try and put a ban on the transfer of land on a willing buyer and a willing seller basis.

The Chairman (Mr. De Souza): Gentlemen, I think we have now arrived at the stage when we have, in fact, exhausted all questions and answers. I have, in fact, given, as I said, very much more latitude in asking questions on this particular matter than is normally given. We discussed it for a considerable length of time on Friday and we have discussed it for over an hour today. Therefore, I will now ask Mr. Gichuru to move that

the Committee do report its consideration to the House.

Mr. Barasa: On a point of order, Mr. Chairman, in view of the fact that I have not uttered a single word and have not asked the Committee a single question—

The Chairman (Mr. De Souza): You had the opportunity of asking questions earlier if you had wanted to.

Mr. Barasa: Be it in order or not, the question is this: since 1907 the white—

The Chairman (Mr. De Souza): Please sit down. You have been warned that you cannot take subordinate points of order; you cannot make a speech on a point of order as it is abusing the procedure of the House. No questions will now be allowed.

(Head A_2 agreed to)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, Sir, the other day I was asked to supply the Committee the breakdown of expenses regarding the last Lancaster House Constitutional Conference. The breakdown is as follows: air fares for delegates—£9,745; allowances for delegates—£6,273; salaries and the secretarial assistance—£258; travelling—£1,580; hotels—£704; cables—£47; and sundries—£28. That all adds up to £18,635 and you will notice that in the Estimates we have only £16,500 and the balance will be met from savings in the voted provision for the National Assembly.

With that, Sir, I beg to move that the Committee do report to the House its consideration and approval of the Resolutions on the Supplementary Estimate No. 2—Recurrent Expenditure and Development Supplementary Estimate No. 1 without amendment.

(Question proposed)

Mr. Alexander: Mr. Chairman, just on a point of order. The reply to a question that was asked has now been given so can we now ask further questions?

The Chairman (Mr. De Souza): No, I am sorry we cannot.

(The question was put and carried)

(The House resumed)

(The Speaker (Mr. Slade) in the Chair)

REPORT

SUPPLEMENTARY ESTIMATE NO. 2 OF 1963/64—
RECURRENT EXPENDITURE

Mr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of the following Resolution and its approval of the same without amendment:—

THAT a sum not exceeding £1,636,594 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1964, in respect of Supplementary Estimate No. 2 of 1963/64—Recurrent Expenditure.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Education (Mr. Otiende) seconded.

(Question proposed)

(The question was put and carried)

SUPPLEMENTARY ESTIMATE NO. 1 OF 1963/64—
DEVELOPMENT

Mr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of the following Resolution and its approval of the same without amendment:—

THAT a sum not exceeding £1,188,454 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1964, in respect of Development Supplementary Estimate No. 1 of 1963/64.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Education (Mr. Otiende) seconded.

(Question proposed)

(The question was put and carried)

BILL

First Reading

THE SUPPLEMENTARY APPROPRIATION BILL
(Order for First Reading read—Read the First Time—Ordered to be read the Second Time today)

BILL

Second Reading

THE SUPPLEMENTARY APPROPRIATION BILL

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that a Bill entitled the Supplementary Appropriation Bill, 1964, be now read a Second Time.

This is a formal Bill which gives statutory approval of the financial provision made in Supplementary Estimate No. 2 of 1963/64—Recurrent Expenditure—and Development Supplementary Estimate No. 1 of 1963/64 which have been approved by the House today. I beg to move.

The Minister for Education (Mr. Otiende) seconded.

(Question proposed)

Mr. Pandya: Mr. Speaker, Sir, I realize that this Bill is only of a formal nature to give necessary recognition to the Resolutions we have just approved. However, may I seek information as to why and on what basis were the estimates made out for increases in allowances, salaries and expenses of the National Assembly. I want to know the reasons for the increase and on what basis these increases were recommended to this House for approval. This House has already been given, Sir, the items and the expenses of the Constitutional Conference and I would not wish to discuss that for I personally have no more queries to make. I would be interested in the reasons for the increase and the basis on which this increase was made.

Mr. Speaker, there was another question I have just noticed. There were increased expenses for the independence celebrations of £75,000. The estimate was, if I remember rightly, £400,000 and although there was a breakdown in an earlier discussion, I only remember an item of about £16,000 and I do not know what the other items really were. I ask the indulgence of the Minister in asking this question in this debate. I think I missed the opportunity of asking him this at the stage when the Motion was moved.

With those reservations, Mr. Speaker, I beg to support.

The Speaker (Mr. Slade): I think as a general rule, when we have had a full discussion on Supplementary Estimates in the Committee of Supply, we cannot allow any repetition of those discussions when we come to the Appropriation Bills. But if there is any point—a new point—which was not raised in the Committee of Supply, it is probably desirable to give the Minister an opportunity to answer it.

Mr. Masinde: Mr. Speaker, Sir, I rise to say a few things here. In fact, during the consideration of the actual Estimates I missed this point, but here is a Bill which we have to endorse so as to allow the Minister to use it.

Vote No. 3 deals with the amount required for the year ending 30th June 1964, for salaries and expenses of the National Assembly and for the expenses of the Constitutional Conference. Mr. Speaker, at present I hope that most of the hon. Members will agree with me that most of the Members today are living in a very embarrassing situation. If you look in the Supplementary Estimate at the amount suggested by the Ministry to increase the emoluments and personal allowances of Members of the National Assembly, you will see that it is actually very small and it cannot be considered that this was a proper arrangement with the Ministry. What I think is important is the fact that, if you look back to see how long these allowances have been going on for, it is for quite a long time ago. This was made by those people who did not want actual salaries. However, today, in this House we have people who have no other trade and who want salaries. We have a few individuals—about ten or thirty—who do not care about what salaries they get in this House because they have their own businesses which they can rely on and they can come here and spend their money they get here with their friends and then go back home. However, the real people in this House want to look dignified and they are going to be corrupted—if I may use the term—because once you can't afford to live on your own, you are liable to become a beggar and, for that matter, your dignity is completely gone.

Today the Minister and all the hon. Members here will see fit to make an amendment to this Bill which entitles the Minister to pay hon. Members the right sum of money.

Mr. Speaker, I would like to make a few observations. The hon. Member who is just leaving the House is a Minister as well as a farmer and so he does not need the money. We, the other hon. Members, are the people who are really concerned and this is very important. This is something which is very serious because it affects us, our lives and our children and we have no future. We have no jobs and we have nothing coming in. I think that it is a question of setting up a body to advocate for the salaries of the Members of Parliament so that legislation will come up. I suggest, therefore, that since we have this Bill before us it is important to calculate and for the Minister to go back and find out the actual amount we are supposed to live on. We are supposed to be hon. Members,

but people here who are actually employed are really bigger than ourselves because they live in bigger places—they live in bungalows—and some of us only live in Punwani and Kariokor and places like that. Once a man becomes a Minister he moves away, and an ordinary Member like myself, when he gets a lot of money, also moves away if he becomes a director of a company. You will find that all people who have money move away to better places. A person who buys a farm also moves away to a better place.

Those Members of Parliament who have farms are not interested in receiving their salaries immediately; they can remain for even four months without claiming their salaries. However, we are the people who cause a lot of trouble to the Accounts Department here, we cause the trouble because of the filthy salary scales set up by Lord Delamere who never wanted nor had any need for a large salary. People like Lord Delamere who had a lot of money could go for years without claiming any salaries. We do not come under this category. Therefore, Mr. Speaker, I think this House should see fit that we get the right solution, and the only right solution is to direct our Minister to go back and work out the nominal allowance which will enable us to live. If I may be allowed to quote, I could say: "A sum of money, say £1,350 per year, per Member, as a fixed salary, plus the usual allowances." This will be all right and will enable a Member to live. If that is done satisfactorily we will allow the Bill to go through, otherwise we will oppose it.

The Speaker (Mr. Slade): Knowing how strongly some hon. Members feel about this particular matter, I have allowed Mr. Masinde to speak beyond the score permitted by Standing Orders, in order to raise the point here. In fact, however, when discussing the Supplementary Estimates, hon. Members can move a reduction, but they cannot move any increase, though they may record regret that a particular Vote is not larger; and with the consequent Appropriation Bill, we are even more restricted, because that Bill merely authorizes what has already been resolved by the House, and there is no question of amending the Bill so as to increase the expenditure.

I have allowed Mr. Masinde to get it off his chest, for himself and other Members, but I will not give any other hon. Members the right of saying that they want an increase in salary when debating this particular subject.

Mr. Ngũga-Aboki: Mr. Speaker, I would like to know whether we are allowed to criticize this particular item on the Estimates as regards the salaries of Members of the National Assembly. If

[Mr. Ngala-Abok]

we are allowed to express our opinions the Minister could then obtain some useful points on which he could work to enable him to draw up future Estimates.

The Speaker (Mr. Slade). No. As I have already explained to you, the only scope for criticism of a Supplementary Estimate is that it is too much, that the money should not be spent. You have an opportunity of moving a reduction, but cannot move that it should be more. But that is over now. You have resolved actually that this money shall be spent. This Bill is simply to give effect to that resolution, and I cannot allow, now, hon. Members to start saying whether it should be allowed or not.

Mr. Malinda: I do not know whether it is in order for any hon. Member to introduce a Motion in the House with regard to payments and allowances for Members of the National Assembly? Is that allowed although this Supplementary Estimate has been passed?

The Speaker (Mr. Slade): Yes that is precisely the way in which the matter should be handled. The proposal that there should be a greater increase of salaries can be pursued by way of Notice of Motion.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I was questioned on the reason why the increase of Members' pay was allowed. Hon. Members sitting behind me have been given all the reasons and it is for these reasons that the increase was made.

I did promise the other day that the details with regard to the Independence Celebrations would be given out shortly, and I shall certainly do so at a later date.

Mr. Speaker, Sir, I beg to move.

(The question was put and carried)

(The Bill was read a Second Time and committed to a Committee of the whole House today)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The Chairman (Mr. De Souza) took the Chair]

THE SUPPLEMENTARY APPROPRIATION BILL, 1964
(Clause 2 agreed to)

Clause 3

Mr. Alexander: Clause 3, Mr. Chairman, refers to the Schedule, and in the Schedule—

The Chairman (Mr. De Souza): We will come to the Schedule later—

Mr. Alexander: I can deal with it now.

The Schedule includes this item that embraces the costs of the Constitutional Conference. As the Speaker has just reminded us, the Appropriation Bill is not to be used to deal with matter that has already been gone over, but, the Minister was allowed to take advantage, in rising just now, to give a supplementary answer that he did not give the other day; this included new matter, new information. The item that I am particularly concerned about in this comprehensive figure is one of approximately £1,100 for travelling expenses in connexion with the London Conference. I ask this particularly, Mr. Chairman, because we have been told that air passages are included in another figure; we are told that subsistence allowance is included in another figure, and that being so, it is beyond my comprehension why we needed £1,100 for travelling, because we were all located—or all Members, I was not part of this—in London very near to the Conference centre. Perhaps the Minister could explain why £1,100 odd—I cannot remember the exact figure—was necessary for this.

The Minister for Finance and Economic Planning (Mr. Gichuru): It was necessary. The Prime Minister had a car and there were three other cars which were placed at the disposal of the Ministers. Also, His Excellency had a car. This is the reason why this expenditure appears here.

Mr. Alexander: Mr. Chairman, do I understand then that merely for running around in London that the hire of cars alone cost £1,100, for a period, I seem to recollect, of some five to six weeks?

The Minister for Finance and Economic Planning (Mr. Gichuru): I have no other answer.

(Clause 3 agreed to)

Clause 4

Mr. Anyeni: Mr. Chairman, is the Minister not going to answer Mr. Alexander's question?

The Chairman (Mr. De Souza): No, he does not have to give a reply. You can read the answer in HANSARD tomorrow.

(Clause 4 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House

[The Minister for Finance and Economic Planning] its consideration of the Supplementary Appropriation Bill and its approval of the same without amendment.

(Question proposed)

(The question was put and carried)

THE PUBLIC ORDER (AMENDMENT) BILL

(Clauses 2 and 3 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Public Order (Amendment) Bill and its approval of the same without amendment.

(Question proposed)

(The question was put and carried)

(The House resumed)

[The Speaker (Mr. Slade) in the Chair]

REPORTS AND THIRD READINGS

THE SUPPLEMENTARY APPROPRIATION BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its considerations of the Supplementary Appropriation Bill and its approval of the same without amendment.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation Bill be now read a Third Time.

The Minister for Health and Housing (Dr. Mungai) seconded.

(Question proposed)

(The question was put and carried)

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE PUBLIC ORDER (AMENDMENT) BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Public Order (Amendment) Bill and its approval of the same without amendment.

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Mr. Speaker, Sir, I beg to move that the Public Order (Amendment) Bill, be now read a Third Time.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(The question was put and carried)

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

BILLS

Second Reading

THE AFRICAN DEVELOPMENT BANK BILL

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the African Development Bank Bill, 1963, be now read a Second Time.

The object of this Bill is to enable the Government to carry out its obligations under the International Agreement, in publishing the African Development Bank, which has been signed and ratified by the Government.

The signing of this Agreement at the Conference of African Finance Ministers, which I attended in Khartoum last August signified the successful culmination of months of negotiations between African states under the guidance of the Economic Commission for Africa. The purpose of the Bank is to promote and to accelerate the economic and social progress of its members.

[The Minister for Finance and Economic Planning] individually and jointly by providing additional finance for development, with special emphasis on multinational projects.

The Bank will be an entirely African-owned and managed institution, and will represent a notable achievement in Pan-African co-operation. The Agreement provides that the Bank will be run on sound banking standards and the constitution is designed to keep it free from political influence.

I am pleased to be able to report to the House that of the African nations who signed the Agreement, at least six have already ratified the Agreement and it will come into force as soon as no less than twelve nations have ratified it and 65 per cent of the authorized capital has been subscribed. Hon. Members will be interested to know, that the three East African countries were among the first six countries to ratify and to hear that Kenya's ratification was lodged within one month of her independence being achieved. These facts speak for themselves and show that the East African Governments are not only hopeful for the cause of Pan-Africanism, but are also prepared to support our words with deeds, and with hard cash.

The present authorized capital of the Bank has been fixed at £250 million units of account, (at present dollars) and Kenya's subscription has been assessed at six million dollars, approximately £2.14 million, of which half is paid-up capital, payable by instalments spread over a five-year period. The other half is callable capital. The first instalment of 5 per cent of our subscription was paid by arrangement with the East African Currency Board on our ratification of the Agreement, and the remaining instalments are payable over five-year period, the timing depending on the date on which sufficient ratification are received.

No decision has yet been taken on the location of the Bank and the decision on this point will, under the Agreement, be taken by the first meeting of the Board of Governors voting on national votes. As hon. Members may know, Nairobi is one of the cities which has been short-listed by the African Finance Ministers as a possible site for the Bank. The other cities are Khartoum, Abidjan and Tunis. We are naturally hopeful that Nairobi will be the chosen centre. I am sure that her facilities are second to none and I know that the City Council will, if Nairobi is selected, do everything to make the Bank feel that it has made the right choice. Our support for the Bank is, however, unconditional, and, whether Nairobi is selected or not, the Government intends to give strong support to the work of the Bank and thus to

further the development of the whole of Africa. Each member country will be represented on the Board of Governors by one Governor with an alternate Governor. The Governors will in turn elect the Board of Directors which will consist of nine Directors who will be appointed by the Governors polling their country's votes in accordance with a weighted formula.

This gives each country 625 votes, plus one vote for each share of bank stock held by that member. Kenya for example, thus has 1,225 votes. The President of the Bank, who will be Chairman of the Board of Directors, will be elected by the Board of Directors, holding their total voting power in accordance with the formula.

Hon. Members will note that under section 4 of the Bill, certain provisions of the Bank Agreement will, if the Bill is approved, have the force of law in Kenya. These provisions are set out in the Schedule to the Bill. They are mostly of a technical nature, and I do not think I need take the House through them.

Mr. Speaker, Sir, in putting this Bill before the House, the Government is taking a far-sighted step to promote not only economic and social progress of our country, but of the whole of Africa and I strongly recommend this Bill to the House.

Mr. Speaker, Sir, I beg to move

The Minister for Health and Housing (Dr. Mungai) seconded.

(Question proposed)

(The question was put and carried)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Second Reading

THE HOSPITAL TREATMENT RELIEF (ASIAN AND ARAB) (AMENDMENT) BILL

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I beg to move that the Hospital Treatment Relief (Asian and Arab) (Amendment) Bill be read a Second Time.

This Bill, Sir, is the first step in implementing the Government's policy for amending the two Hospital Fund Authorities. During colonial times, Sir, there were two insurance schemes, one for Europeans and the other one for Asians and Arabs. They were known as the European Hospital Fund Authority and Asian and Arab Hospital Fund Authority. At that time, Sir, in Kenya and Africa, the Africans were excluded from these two very important insurance schemes,

[The Minister for Health and Housing] and this is why Africans were not able to use the good, amenity hospitals, which the Europeans and Asians were using. Most of them, therefore, had to go to the basic hospital beds. At the same time, Sir, it is to be noted that the poor Europeans and the poor Asians could go to the better hospitals because they were covered by this insurance scheme. I do not have to tell this House, that such racial bodies cannot be permitted in Kenya at this stage. Because of legal implications, it is necessary to bring these two Bills to the House to give them a national character rather than a racial one.

Before I proceed to the finances, I am going to mention the objects we do have. We would like to establish a National Health Insurance Scheme for all the citizens of Kenya, irrespective of their race, colour or creed. It will be necessary and important that citizens who earn above a certain amount of money should pay into this scheme. Two very important aspects will result from this Health Scheme. One, is that it will enable the Africans to enjoy the better hospital beds as the Europeans and Asians have done in the past without having the financial base that they would otherwise have suffered during the colonial times. Secondly, it will set free the Government basic hospital beds to be used by people of lower income. In the past you never saw Europeans or Asians queuing for basic hospital beds. In the future it will mean that the poor Europeans and poor Asians will have to queue with the Africans for the basic hospital beds available. To do this it requires some preparation which will take up about a year or so in order to set it up. In the mean time we are amending the existing hospital funds to enable the Africans to join them voluntarily now. Both funds, the Europeans and Asians and Arabs are agreeable and are willing and we are grateful for their co-operation.

Dealing with the Bill, Sir, the members of the community pay ten shillings per year per head for the poorer people, and they pay up to Sh. 2,000 a year for the richer ones into the fund. The benefits received from the fund for the hospitals were equal, whether one paid a lot of money or not, and therefore, this is termed as compulsory community self-help scheme, where the rich help the poor. The fund has also helped the private hospitals which the Government would like to encourage, although the funds themselves were not a part of the private hospitals as such. They also have relieved the Government of the duty to provide hospital beds for these wealthier communities. For the time being, the Government provides a basic hospital service for anybody in the country. That is, to all the people at all

the time at a cost that the country can afford. Today you have people attending Government Hospitals paying Sh. 15 to Sh. 20 for the period of time they are going to stay, even if it is twenty-three days or however long it is going to be, and yet it costs the Government Sh. 15 to Sh. 20 a day for the time the people are staying in the hospitals. It is our intention to remove these hospital fees as soon as the finances of this country can afford it. Judging from the confidence which is being shown in this Government by the investors outside and internationally, this will not take long. These private hospitals, I must also add here, are essential and important if we are to attract the tourists, commercial firms and international organizations into Kenya.

The important clause in this is clause 8 which will enable the Asian and Arab Authority to open its doors to voluntary contributors, and a Bill giving similar powers to the European Authority will be brought in front of this House soon. The rates of contribution which voluntary contributors will be asked to pay under the Asian and Arab voluntary scheme are set out in clause 13. The minimum voluntary contribution will be about Sh. 100 per annum which is less than the compulsory contributions which the Asians earning £75 and above will pay. For this, the voluntary contributor will enjoy just about the same benefits as those who contribute compulsorily. The allowance will be Sh. 35 or Sh. 45 a day, for the stay they have in hospital. This Sh. 45 and Sh. 35 a day will not include the doctor's fee. If the Authority refuses to admit anybody into this Fund, the individual will have the right to appeal to me personally and then I will have to take a decision on this.

There are a few other general aspects of the Bill on which I must touch in moving this Motion. Clause 3 (a) changes the name of the Asian and Arab Hospital Fund Authority to Kenya Hospital Fund Authority, and clause 2 changes the name of the Act to the Hospital Treatment Relief (No. 2) Act because there will be another which will be changing soon. Clause 4 alters the constitution of the Authority. At present the members of the Authority consist of a person representing my Ministry, a person representing the Ministry of Finance, the Treasury and four persons elected by the Asian members of this House. This last provision is out of date and the Representatives of the Asians and Arabs will in future be appointed by me after such consultation as I consider fit.

The membership of this Authority will be increased to six and there will be one member appointed to represent the voluntary contributors.

[The Minister for Health and Housing]

Because of the changes of personal tax, the method of collection will therefore change and it will be paid across the Post Office counters in any Post Office. The Postmaster-General has been consulted on this and he is quite agreeable, so it will be paid across the counter.

Sir, I would like to apologise to the Members of the House for bringing this Bill rather late, but because of preparations for *Uhuru* it was not possible to bring it before and the draftsman were kept very busy with other things, although we had it in mind. This Bill is intended to come into effect on 1st January 1964. I therefore apologise for bringing it late.

Sir, I accordingly beg to Move.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie) seconded.

(Question proposed)

Mr. J. M. Kariuki: Mr. Speaker, Sir, I beg to move that the question be now put.

The Speaker (Mr. Slade): No, I am afraid that I cannot allow that now. Some hon. Members may want to comment on this Bill.

Mr. Masinde: Mr. Speaker, Sir, while I stand to support the Bill, I have a few remarks which I would like clarified. I am glad we are trying to lift some of the barriers which have existed for many years, but it is still confusing when we find that we are faced with another problem, and that is the problem of most Africans who are becoming leaders in the country. When the Minister suggests that a poor Asian, poor Arab and possibly poor African will go to the same hospital and things like that, I think this is one of the things which will confuse all of us. It would have been better if the Minister considered that we all have medical facilities of the same status regardless of how rich or poor a person is. Once you find that some of our people are going to queue in one hospital and others in another hospital, that is discrimination such as where some people live in heaven and some in hell. I am sorry I am putting this across in the form of a question, but I hope the Minister will put this case correctly. We have hospitals which are European hospitals, others are Asian hospitals and in other places there are Arab hospitals. These are not private hospitals, they may have been private hospitals, but they have been assisted by Kenya Government money, and these are, I understand, coming under one Ministry with one operation. If this is the case, are we going to have a poor mother going to the

Princess Elizabeth Hospital or will she continue to go to the King George VI Hospital, where there are a few rich Africans, or like myself, or people who can afford to pay more, do they go to the bigger hospitals? The case, Sir, is to help everybody and those who cannot afford to help themselves, the Ministry has to look for them and help them. How to help them is not by thinking how much you pay so that a person gets better facilities than others who have nothing. Here we have to get some rich people who will contribute about two thousand shillings. If this is going to be the case, it must be justified that whether or not you pay Sh. 2,000, you are sent to the same hospital with that poor mother who cannot even afford to pay Sh. 10. If this is to be the case, then I will be prepared to support the Bill very heartily.

Mr. Gichoya: Mr. Speaker, Sir, I support what the Minister has put forward, and at the same time I would like to thank the Government as it has decided to end racial barriers. It was insulting to me when I heard that these facilities were for Africans only, Europeans only, Asians only or Arabs only. As citizens of Kenya we have an equal standard; socially, of course, there is a difference because whoever is richer enjoys far better facilities, but this is a natural phenomenon, and cannot be avoided today. However, I am happy that certain measures are being taken to promote the lower to come nearer to the higher. It is not a question of pushing the man who is already on top very much below, but promoting the lower so that he comes nearer the top which is very encouraging, more so in hospital arrangements. The only thing which does not please me very much—

An hon. Member: That is what this House delegates.

Mr. Gichoya: Whether or not it is not working perhaps it might work tomorrow. I am a man who believes that in time things will sort themselves out. When the Minister says we have to win the confidence of external countries or of friendly countries whether they are the Americans, Russians, Britons or Germans, or even the Chinese, to me it is immaterial.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. De Souza) took the Chair]

The Deputy Speaker (Mr. De Souza): Mr. Gichoya, I am afraid you are wandering very far away from the point.

Mr. Gichoya: Mr. Deputy Speaker, I will come to the point you want me to.

My point concerns the confidence, where it is necessary. First of all, we have the confidence ourselves, or else we have to show that we are confident. Mr. Deputy Speaker, I believe that we have to have confidence in ourselves, and whether the external countries have confidence in us or not, we believe that we have confidence in ourselves and our Government. I am trying to correct the Minister, Sir, that he should not emphasize the external qualities, but internal qualities. External confidence stems right from internal confidence. The moment I am confident of myself, then my friends will have confidence in me, so we must have confidence, which we have, and the Minister must be made to understand that this country of ours, this Government of ours, has full confidence of the people since it is the Government of the people by the people themselves. Otherwise, Mr. Deputy Speaker, I am very happy that racial discrimination with regard to social facilities have been removed. Perhaps the next move is what the same Minister will see to it that housing arrangements are also brought up, so that we have equality.

The Parliamentary Secretary to the Treasury

(Mr. Kibaki): Mr. Deputy Speaker, Sir, I think this is a Bill on which we are entirely agreed. What I want to emphasize is only one very important point. I think it is very right for the basic reasons why we want to have the richer people to contribute is because this will allow us to spend such resources as we have on the poorer people who are not able to look after themselves. The hon. Member opposite asks about standards. The essential thing today is that a man in the village or in the town should have some medicine available to him when he gets sick. The question is not whether he has the highest standard. Another thing is that it is well known that we cannot, at present, finance a free medical service in Kenya. I am glad to see that it is now intended by the Minister for us to use whatever resources we have to help provide social services for the poorer people, and that the richer people will pay for it. If you look at this situation, Mr. Deputy Speaker, in greater detail, you will see that in fact it conforms with what my hon. friend opposite would like to describe as African Socialism. Mr. Deputy Speaker, the richer people who have a higher income will be required under this system to finance the social services for society. Whether you do it this way, through direct contributions, or whether you tax them directly and then provide social services, is a

matter of convenience and practical consideration under the circumstances in which you are, and I believe in the present circumstances this is the right way. Therefore, I would like us to consider, as the hon. Member has already said, that this method of financing social services by direct contribution by the people who will directly benefit, may well be considered for other social services. In this particular respect it already applies in the field of education, for instance, with regard to school fees. Therefore, it is the principle which is very important. I would like to emphasize another aspect of this which is provided by the Bill, and that is that the deductions by voluntary contributors may be done by the employers directly at source. I do hope that when the authority is established, one of the first instructions they get from the Minister is to ask them to encourage this direct deduction of contributions at source, so that our own employers in this country get used to these more civilized ways of doing business, of organizing our social living, so that a person earns his wage and at source there is deduction for his Personal Tax, for his Income Tax, for his Hospital Contribution, and whatever contributions he has to make. The whole system is systematic, is more efficient, and the money goes more smoothly. I am encouraged that this is one aspect of the Bill, and I hope that the employers will be asked to co-operate, and I believe they will co-operate because they are doing a very good job in respect of Personal Tax.

Another point which I think is very significant is that it will not be just enough for us to say that the fund is now open. I think it will become the responsibility of the Members of this House and of the Ministry of Health to make sure that these changes are now known by the people throughout the country. I think it would be to the benefit of the whole country if all those people who can afford to make this voluntary contribution and who would benefit by the other facilities provided by the Authority, if they would go out of their way to join. It is voluntary, and we are not asking for any regulations to force people who have an income above such a level to join, although that might be more efficient, but by making it voluntary we should make sure that we press people, all those who have higher incomes, to join this fund. It will relieve finances and everything which is available to the Ministry, and enable them to help the poorer people. I want, Mr. Speaker, to emphasize yet another aspect of this Bill, and that is that in these hospitals, which have up to now been exclusive, they have developed a certain standard of service. One no doubt hopes that the new people we are asking to make

[The Parliamentary Secretary to the Treasury] contributions, who will get their medical facilities in these various hospitals, will not be told as in respect to another service, that because of the increase in the number of people calling on these existing facilities, the facilities cannot be maintained at the standard at which they were previously maintained. It is important that the people we are now encouraging to help this fund, should see that there is a definite advantage in belonging to this fund, rather than calling on other Government facilities, and it is only by keeping standards high, and therefore encouraging more people to join that the fund will effectively collect enough money. Above all it will be able to keep up those standards that the Minister has spoken about and which are important. I do not agree with the Member who has just spoken that we do not have to worry about external confidence. Of course, we have to worry about it. It is utterly ridiculous for a Member of Parliament to stand up here and try and make us believe that the standards of service available in Nairobi are not significant when we are trying to be a significant country in Pan-African affairs or international affairs. It is important that the people who come to live in Nairobi, whether tourists, business people, or employed by international agencies, should have facilities available here, which should be of a standard which would be comparable with other capitals of the world. For ourselves, Mr. Deputy Speaker, as a nation which is just emerging as independent, we must have an interest in establishing our own image, and standards in Pan-African international politics, so do not let us hear any more of this sort of talk that it is not important, it is absolutely important. I entirely agree with you that we must have confidence in ourselves, but even in the matter of having confidence in ourselves, if we have poor schools, medical services, roads and clothing, it is going to be very difficult for us to have confidence in ourselves.

With these few words, Mr. Speaker, I would like to support this Bill, and hope that the Minister will make it his business to publicize it and popularize the fund, so that as many people as possible will join it.

Mr. Pandya: Mr. Deputy Speaker, I will be very brief in this debate. I apologize to the Minister for not being in the House when he introduced the Second Reading, but I would like to say how glad I was to see such a happy atmosphere in this House in welcoming the amendments to this Bill. I personally, of course, Mr. Deputy Speaker, would have liked to have seen the Bill make no difference whatsoever in the classes of contributors, as is provided on a compulsory and voluntary

basis, but I appreciate the difficulties of the Government in introducing these far-reaching changes at this early stage. Many people have asked me why people are classed on a racial basis, the Asians and Arabs being compulsory contributors and the Africans being given a voluntary classification. But as I said I welcome this as a step at least in the right direction. I remember when this original Bill was introduced about four or five years ago, I was in very strong support of this measure, and I had made it very clear that my support would continue only if this Bill and its provisions were extended to people of all races. I think I am right in saying that it is the general feeling of the Asian and Arab community that the original provisions have been of tremendous benefit to those unfortunate people who have had to go to hospital, but, who in the past, have been deprived of these facilities because of the fact that they could not afford them. Here is an example that the Asian and Arab community had of self-help, helping those unfortunate people within the communities to come forward and contribute and share in the difficulties of others. Now we are coming together, we are going to share these things together and I would like to congratulate the Government for bringing this measure at an early stage. I think what is significant is that it has been brought about by the co-operation, and I think the Minister will agree, of the Authority Members, of those elected Members who were Members of this House, which included myself, and also, there were representatives of the Government who have worked out this formula, so that it will lead in the near future to the—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, I wonder if I could have your ruling on this matter. The matters which the hon. Member is asking the Government to do, are being done, and it has told him all about it, must we sit here and listen to all this all over again?

The Deputy Speaker (Mr. De Souza): I think in a case like this, obviously and almost inevitably there will be an amount of repetition. I think Mr. Pandya can continue.

Mr. Pandya: Mr. Deputy Speaker, I am sorry I am boring my hon. friend, the Minister, but I apologized to the Minister for not being in the House when he introduced this Bill. If I may say so, Mr. Deputy Speaker, I did not hear this order being called, or I should have been here earlier to attend and listen to the words of wisdom that he has said. But I am so glad that I am saying the same things that he has said. Mr. Deputy Speaker,

[Mr. Pandya]

I would like to take this opportunity of putting on record our appreciation to the original Members of the Hospital Authority who have done such excellent work in the organization of the Authority and I am sure that also many hon. Members who are not aware of the work they have put in will take my word for it and will endorse everything I have said.

I really have nothing more to say, Mr. Deputy Speaker, and acceding to the wishes particularly of my hon. friend the Minister opposite, I support strongly the Second Reading of this Bill.

Mr. Jahazi: Mr. Speaker, since we have had a lot of repetition and since the Minister clearly explained the merits of this Bill and the junior Minister also explained this, I do not think we need to go on with this. I would like to move that the Mover be called upon to reply.

The Deputy Speaker (Mr. De Souza): I think it is a little too early to allow that, Hon. Members are allowed to have longer, and I think the debate should continue for a little.

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Mr. Deputy Speaker, I support the Bill because it is a step in the right direction. I myself have always disliked the Asian and Arab hospital scheme. I have always opposed it in the past, but now that it has been amended to make it non-racial, it has my support. Now, Sir, the hon. Minister has told us that his aim is to introduce a non-racial scheme in due course. That is a very welcome step indeed. I wish it had been done before now.

There will be complaints in future about why all Africans are made to pay Sh. 100 when some Asians pay less than Sh. 100. Let me say at once, Sir, that I wish the proper thing were done right away, and that would be a non-racial scheme. Otherwise some criticism would remain.

Mr. Gatuguta: Mr. Deputy Speaker, Sir, I should like to support this Bill very strongly, and I do not wish to repeat what others have said, except to go into the details of some of these sections and see if the Minister could not consider the question of amending some of them. The matter I want to raise, Sir, is on page 561 of the Bill, section 7, Voluntary Contributors. Sir, it is provided in subsection 3 that a voluntary contributor may in his first year join on any date of payment of a *pro rata* contribution, provided that no claim for hospital treatment arising out of an illness, injury or condition existing or contracted before or within twenty-eight days after the date of the first payment shall be made. This really

means that if somebody pays a contribution on a voluntary basis, he cannot benefit from medical services within twenty-eight days. If he gets sick after paying this money and he has already joined the scheme, after even twenty-eight days if he is sick he cannot benefit. I think this is very unfair, and it spoils the whole intention of the Bill. I would suggest that the Minister should consider this aspect of the Bill so that if somebody joins the scheme he immediately benefits from it.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, could we have clarification that the Member for Butere has crossed the floor.

The Deputy Speaker (Mr. De Souza): That is not a point of order.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, was that a point of order?

The Deputy Speaker (Mr. De Souza): It was not a point of order, but I was trying to explain.

Mr. Kamau: On a point of order, is an opposition Member allowed to speak from this side?

The Deputy Speaker (Mr. De Souza): That is not a point of order, Mr. Kamau.

Mr. Gatuguta: Mr. Deputy Speaker, as I was saying, I would like the Minister to look into that one.

With regard to clause 2 of subsection (iii), it says, "No maternity allowance shall be payable in the first year of any contribution if the claim in respect thereof arises before or within eight months after the date of the first payment." This, Sir, again, I think is an important provision, because eight months is a very long time before a man can benefit from a scheme like this.

Another point I wish to raise here, Mr. Deputy Speaker—these are details and I hope the Minister will deal with them—is the question of membership of the Kenya Hospital Fund Authority. It is provided that six persons shall be appointed by the Minister in consultation with the communities concerned.

Mr. Deputy Speaker, it is provided that one person shall be appointed by the Minister to represent voluntary contributors. I thought the Minister might consider increasing the number of voluntary contributors. If this scheme is going to be open to all people, I am quite sure that many voluntary contributors will come forward, and maybe one representative in this Authority is not enough.

Sir, with these few words, I support the Bill.

Mr. Ngala: Mr. Deputy Speaker, I would like to say a few words in criticism of the amendment of this Bill. The first point I would like to raise is that this Bill appears to be a continuation of racial discrimination in the hospital services. Our country has just become independent, and the Minister who moved this Bill should have been fully aware of the need to give hospital services without any racial discrimination. In the past, the whole country has complained of hospital services being better for certain communities in the country. They have been better all round, in all cases, in food, bedding, medicine and staff; for certain communities these services have been better than they are in many African hospitals, almost in all African hospitals. I am very disturbed to see that an African Minister in an independent African country can dare to stand here and perpetuate a policy, a system, which is completely out of date now as far as the standards of our country are concerned.

Having read the Bill most carefully, according to the contributions, for example, of the poor Africans who may only be able to afford Sh. 10, it is quite true that they may pay the Sh. 10 but they cannot go to the hospitals and receive the services because they cannot pay the hospital fees. Is this not discriminating against them or disqualifying them?

Hon. Members: It is

[The Deputy Speaker (Mr. de Souza) left the Chair]

[The Speaker (Mr. Slade) resumed the Chair]

Mr. Ngala: I am very glad that the Government side does agree with me on this point. It is discrimination, it is continuing the habit which the Colonial Government started. This is where the Government has completely failed to deliver the goods to the people. We are completely in agreement with one Parliamentary Secretary who stood on the Government side, the hon. Mr. Waiyaki who said that it is high time the Ministers introduced something which is non-racial. This Bill is racial, it is very discriminatory. It does not give a chance to the poor Africans, particularly, to get better hospital treatment and to go to the better hospitals.

This particular Ministry, Sir, has a habit of encouraging a redundancy of hospital services around Nairobi, and I think this is a continuation of that effort. The Minister is trying to support unnecessary hospital services around Nairobi, near his home.

Mr. Speaker, the other serious thing in this Bill is the question of the voluntary contributor, who,

although he may contribute, at certain stages cannot take advantage of his contribution, even, and get treatment. I think the Minister is fully aware that this is a great weakness in the Bill, and I hope in his answer he will put this mistake right.

The Bill, Sir, is the Hospital Treatment Relief Bill for Asians and Arabs. Why should it be for Asians and Arabs? Are they not citizens of this country? Why do we talk of *Harambee* if we have this kind-of discrimination even in hospital services? We want the hospital services to be the same throughout, for every citizen of this country, whether he is Asian or Arab we want the hospital services to be the same.

The Minister for Health and Housing (Dr. Mungai): They are the same.

Mr. Ngala: You have put it here in the Bill.

This is very serious discrimination and need not happen. Mr. Speaker, Sir, about five years ago we were fighting against certain discrimination with regard to hotel services, and I am glad that this has gone. Why should the Minister for medical services go back five years and bring discrimination again to the country when it is free? I think the Minister should be aware of the fact that Kenya is free.

Another point on which I would like to touch, Sir, is that I would like the Minister to make it quite clear to this House and to the country that such hospitals will not receive any Government grant. I am quite aware of a hospital very near to this House—about 14 miles away—which received £29,000 only four or six months ago.

The Speaker (Mr. Slade): Mr. Ngala, this is getting outside the Bill I think. We are concerned with a Fund which provides payments to subsidise individual expenses at hospitals, but we are not concerned here with any other grants to hospitals.

Mr. Ngala: I take your warning, Sir, but I think this body, the Treatment Relief Fund, is discriminatory. On this, I reserve my position until the Minister has given us some explanation.

Mr. Kamau: Mr. Speaker: Sir, I rise to congratulate the Minister for the way he has introduced this Bill. It is high time that the world should know that Africans have started to rule themselves and that they are foresaking most of the laws which have governed this country.

I only want to make one point which I thought the Minister might have put in the Bill in the first instance. We know very well, and since he is part and parcel of the Government and a Member of our party, he knows the pledge we gave in our Manifesto during the elections, that

[Mr. Kamau]

we would give our people free medical services. There was no mention in the Manifesto of practising discrimination. However, as this was read by the Minister it seems that some of our people will experience difficulty in this regard. I would request the Minister to see that in due course he makes it very clear that the whole community will enjoy the facilities and have free medical treatment. This will enable the poor and the rich to enjoy the same. I know it is a great responsibility which the Minister has, because of the past difficulties, and to try to avoid these difficulties we know very well that he has to work hard and carefully. I think it is the duty of the House and of the Minister to see that any discriminatory law is completely wiped out of the laws of Kenya. Therefore, I request the Minister to see that in the very near future he introduces another Bill which will declare the medical services free to every citizen of this country.

With these few remarks, Mr. Speaker, I support the Bill

Mr. Warithi: Mr. Speaker, I am not too happy about this Bill. It is quite true that it is a move in the right direction, but I would say that it has not gone far enough. If we look at the Bill carefully, Sir, under section 6 on page 537, there is a provision for compulsory contributions. This is only for Asians and Arabs. When we come to voluntary contributors which is under section 7, page 561, this is where I believe the Africans, the non-Arabs and non-Asians come in. The question is, for those who contribute compulsorily we find in the Bill that they pay only Sh. 25 per year; for others, under voluntary contributions on page 564, in the Schedule, the minimum is Sh. 100. What I would like the Minister to explain to the House is the reason for making one person pay Sh. 100 per annum and another, probably receiving the same treatment, pay Sh. 25. Why I say that the Bill has not gone far enough is that it is an extension of medical facilities given to a few people who can afford to pay for them. If we are extending the old practice of the rich receiving better treatment and not providing a scheme whereby the majority of our people can benefit from the services we have, I feel we are not moving in the right direction.

The other point, Sir, is that according to the Schedule, those persons who earn not less than £1,000 per annum are the only ones who can contribute to this scheme. The question is, how many people in Kenya today among our people are in that income bracket? I would like the Minister to bear this point in mind, and to explain whether my contention is true or not.

that this extends the facilities to a very few people in our country, and also that it is a perpetuation of the old way of discriminating in accordance with income and race.

Mr. Theuri: Mr. Speaker, Sir, I rise to support the Bill because it has come in the right way, and in the way that the people of Kenya were expecting. However, there is a point which is making everybody think about this Bill. Instead of removing what we want to be removed it has set up a new class of people. We know that what we were preaching to the people during the elections was that we want to have free medical services. But this Bill has removed what was there before, that the Europeans and Asians benefited alone. Now, everybody, irrespective of race, can have an opportunity. However, the thing is that the Bill itself has set up a group of what we call the middle class, and this is what the Bill indicates and it is a dangerous article. We have preached to the people that we want to establish socialism in this country and, of course, this is one of the things that we want to eradicate; poverty, illiteracy and disease. Now, the main thing which we have to approach is the Government aim to give free medical services to all the people in the country. We have explained all these things and several questions have been asked in this House on various diseases, even malnutrition. But, if this Bill goes like this I do not think we shall be able to go forward because it will help people who are earning say Sh. 2,000 or Sh. 1,000. The poor man, the backbone of the country, will not be able to support himself. So, on this Bill, I ask the Minister to take into consideration what can be done so that what was there before no longer applies, that it is not a few people who contribute the money.

With these few remarks, I support the Bill.

Mr. Shikuku: Mr. Speaker, Sir, some of the hon. Members have already spoken and they have indicated that they support the Bill. I do, however, Mr. Speaker, wish to make one point on which I seek clarification from the Minister concerned. It is stated in the Bill that one contributing will only have any fruits from his contribution after 28 days have elapsed. Mr. Speaker, I feel that this is a little unfair because even with a car, if you insure a car today, pay by cheque or cash, your car is insured from that very minute. If you drive out of that place and you happen to have an accident, say two hours later, the insurance company stands the liability. Here, as is indicated in the Bill, one pays a certain sum of money but must then not be sick until 28 days have elapsed. This is very interesting because we cannot make appointments with God. We never

[Mr. Shikuku] know, some of us may speak in this House now and when we leave this Parliament find ourselves dead, and the 28 days will not have elapsed. I feel, with all due respect, that the Minister should consider this question seriously and adjust it so that one who willingly pays in a contribution should, automatically from that moment, if he falls sick, be treated immediately because if he dies after paying the money, who is going to use the money? He has paid because he has expected treatment from the Government, but if he dies, of course, there can be no treatment for the body. Therefore, I feel, Mr. Speaker, that this should be taken under the same terms as car insurance, that is that immediately after insuring the car, if one is involved in an accident, one is given another car. Therefore, I feel that the Minister should consider this question and change the present system—I can see him nodding his head and I am very glad to see that he is being very co-operative and sympathetic.

The other point I wanted to raise is that we have been told here time and again that we are now a nation and that everybody in this country who has registered himself a Kenya citizen has the same right as anybody else to enjoy all the facilities that there are in the country. Now, Mr. Speaker, I do not know whether the Minister for Health has taken into account the problem of some hospitals still known by the name European hospital and Asian hospital, and so on. I think this is one of the things we should also try and eradicate so that we can forget this question of racial discrimination and I am glad to say that, at the same time, we have had writing on lavatory walls, both Asian and European, wiped out. I hope the Minister for Health will also see to it that these hospitals which are still known as European or Asian hospitals will have their names changed. There is one up the hill here, the Princess Elizabeth Hospital. How many Africans are there, that is the question? Therefore, Mr. Speaker, I feel that there are many other points which have already been mentioned and I do not wish to repeat what other hon. Members have already said. I feel that the Bill as such is not bad, except that some of these points should be rectified. With these few remarks, Mr. Speaker, I beg to support.

Mr. De Souza: Mr. Speaker, Sir, I would like to say a few words on what I believe is the history of this Bill, because I remember it very vividly. About eight years ago, we were told that there was a large section of the Asian community in the country, particularly the poorer section, who

could not afford the money to go to hospital, and that, therefore, we should have some form of social insurance scheme by which these people would be assisted in the fees that they pay to go into hospital. There were a large number of us who believed that no scheme on any racial basis would be acceptable to us at all and the Government was requested to arrange and to organize one social insurance scheme for hospitals and medical assistance to be organized on a non-racial basis. The Government, however, said that this was not possible in view of the very large number of people who were so poor that they would not be able to afford to contribute to this scheme at all, and that if the Asian community wanted a hospital authority scheme comparable to the European, or in fact to any scheme at all, they would have to have it purely on a racial basis. Sir, we—and I think the hon. Mr. Chanan Singh and I were among them—believed and categorically fought for the principle that it was better for the Asian community to have no social insurance scheme at all rather than that they should contribute to a racial scheme. In the Indian Association and in the Indian organizations a long struggle took place between those who said that they would rather have no scheme at all if it was going to be on a racial basis and the others who said that half a loaf was better than no bread, and let us at least get some social insurance scheme and later on try and amend it, and make it a non-racial scheme. We—that is the hon. Mr. Chanan Singh and myself—unfortunately, lost, and the Members of the Legislative Council who were then present here, introduced, with the assistance of the Government, the scheme. Sir, I am glad that I am here today to support this scheme being made a completely non-racial scheme and I would like it to be put on record that the Asian members of the Hospital Authority here, the Asian Hospital Authority, were the first to insist for so many months, that this scheme should be reorganized and made on a completely non-racial basis. I think that most credit must go to them for having worked and insisted for all this time that this scheme should not be on a racial basis.

Sir, the second point that I would like to make is that I had hoped that when we came here we would find that the European Hospital Authority would also be made on a non-racial basis. I am assured by the Minister that, in effect, this will be done very soon and that the reason why these two Hospital Authorities are being made non-racial piecemeal is more due to draftsmen's difficulties rather than due to any delay on the part of the Government. Sir, I am very happy to hear that

[Mr. De Souza] that is so and I look forward to the occasion—and I hope it will be very soon—when we shall have a social insurance scheme open to all races in this country. Sir, I accept all the hon. Members when they say that we have to have free medical aid for all people in this country. This, of course, is our ideal and this is the ideal that we are all going to work for. I appreciate that there are tremendous difficulties, particularly financial ones, and also the lack of sufficient doctors, nurses and hospitals throughout the country to provide free hospital and other medical assistance immediately. But I am sure that our Government is looking forward to that occasion and, Sir, I know that we in this House are also looking forward to it.

With these few words, I beg to support the Bill.

Mr. Maisori-Itumbo: Mr. Speaker, thank you very much, although I have begged for a chance to speak for the last two hours. Now, as most of my colleagues have mentioned all the points I wished to make, I have only three points, all very vital points, to mention.

First of all, I support the Leader of the Opposition who said that we have moved from a colonial racial discrimination to an African, newly formed system of blackization, which is another form of discrimination. Mr. Speaker, the question, raised last week, when it was mentioned that the Ministers are receiving very high salaries, and are, at the same time, receiving all the benefits or privileges of free treatment, while the poor Africans in the country are receiving none of them. Yet, Mr. Speaker, it was only recently, according to the Kanu manifesto, that we promised the country that we shall work towards the release of their expenses on the fiscal side. Instead of fulfilling these promises, we have gone to encourage another new colonial regime, whereby our people are going to face the same situation of being oppressed by the new Government. Mr. Speaker, Sir, that is a point which is very important—it is nation-wide.

Mr. Gichoya: Mr. Speaker, is it in order for a Member to call the national Government a colonial Government?

The Speaker (Mr. Slade): Any words that give offence without justification are out of order and I have no doubt that it does give offence to our Government to be termed a colonial Government.

Mr. Maisori-Itumbo: I am very sorry, Mr. Speaker, to see the ignominy of the hon. Member in this Chamber.

The second point I wish to raise, Mr. Speaker, is to find out what steps the Minister is going to take to see that the so-called private hospitals are going to be controlled. At the moment, there is a tendency for these private hospitals and dispensaries to take a lot of money and charge any rate that they wish to charge because the public think that they are getting the best medicines, better than those from the Government hospitals and dispensaries. Mr. Speaker, I would like the Minister to have a look into these private enterprises because I think it is very essential that they get under the control of the Ministry of Health. We must also consider the cases of private doctors and the private "black market" movements. As hon. Members know, there are a lot of these people working in the country, we call them illegal traders. They are moving everywhere in the country. Mr. Speaker, selling these drugs and tablets which are for veterinary use only and are full of poison.

The Speaker (Mr. Slade): I am sorry, I do not think that this comes within this Bill. I do not think that it is proposed that this Fund is going to finance such expenses as black magic.

Mr. Maisori-Itumbo: If that is not included in this particular field, I will go to my third point. Mr. Speaker, my third point is that I would like to know what the Minister is doing to check and control the private movements of hospital assistants in the district?

The Speaker (Mr. Slade): That is also outside the Bill, which merely concerns inclusion of Africans in the benefits of a particular fund.

Mr. Maisori-Itumbo: To stay on the point, Mr. Speaker, I wish the Minister could take steps to see that there are some qualified African doctors and medical assistants who are allowed to run private dispensaries, as the other races, such as the Europeans and Asians, are allowed to. That is an important point, Mr. Speaker, because we have some people who are licensed and are fully trained in that particular job.

The Speaker (Mr. Slade): That is also irrelevant.

Mr. Maisori-Itumbo: These are all the points I have to make, Mr. Speaker, Sir. I beg to support.

Mr. Ngala-Abok: Mr. Speaker, Sir, I rise to support the Bill, but at the same time I have the usual freedom to criticize things which are unpleasant to me and which I think many of my colleagues will support.

Mr. Speaker, one fact is, and hon. Members are saying this, that there should not be any racial

[Mr. Ngala-Abok]

Bills debated in this National Assembly. Whatever sort of Bills there may be they should not look racial, like these particular Bills we are discussing today. Recently we passed a Bill on citizenship and we were assured that nothing else would be considered on the basis of African, Asian, European, Arab, Somali or anything else; we were told that everything would be considered on the basis of African socialism and on the basis of everything being national and a thing for everybody. Now that we have a Bill that mainly deals with Arabs and Asians, I would like to ask the Minister for Health and Housing to consider very seriously in future the possibility of leaving out altogether the racial outlook of a Bill like this, and of devising a means by which there will be no question of Asians, Arabs and Europeans having separate hospitals. This must be dealt with as a matter of urgency, because if you went to the King George VI Hospital now, you would find a hospital within fifty yards that is mainly for Asians. When our people go for treatment they find that Asians are treated in another chamber and their facilities are better. This gives us a sense of racial units which is harmful to the harmony of this country.

Everybody knows that this Parliament is an African Parliament and then when people find that there are separate hospitals for separate races they must be alarmed. Even in the remote districts, where many of the people are poor and many of the people need proper treatment because they cannot manage to pay money for better treatment, you still find an Asian hospital where there is better treatment, better drugs and better doctors. Some of these doctors are even hired from other places to come and give specialist treatment while, just next door in the same hospital, but in a different ward, there is no proper treatment, no proper drugs, and so on.

This is actually a matter which the Minister should look into. I do not know how the Cabinet devised the Bill and then advised the Minister or how the Minister advised the Cabinet to accept this Bill so as it could come to this National Parliament. This is miserable and I think in future no title of a Bill should read "Asian or African". This is what I am asking the Minister to give us an assurance on: the practices which show a tendency towards racialism must be dropped.

Mr. Speaker, Sir, with those few remarks I advise the Minister that we do not want racialism in our National Parliament.

Mr. Oduya: Mr. Speaker, Sir, I do not intend to say much although if I want to support the Bill I should say just a word or two.

I want to warn the Minister that it seems as if he is trying to drive us to creating a sort of discrimination amongst the African communities. Today we have a few fellows who can afford the fees of doctors: for example, the Ministers themselves. I do not think that even the Members of this House can qualify under the present scheme that they are trying to amend now and only the Ministers can qualify. If class distinction is going to be created amongst the Africans themselves so as to make some Africans look as if they are completely nothing while some others look as if they are something, I think we had better stop this stupidity at once. According to my own belief, the Minister himself is used to the high life and this is because when he took his education he realized what fun it was.

Mr. Speaker, the Minister is confused because he thinks that everybody can afford this scheme which he is introducing; he thinks that every poor African who voted his Government into power will be able to afford it. He must know that he himself—he is the Minister for Health—went out to the public and told the public, "When we get into the Government we are going to introduce free medical services". I say to the Minister that if he is not going to do anything to get these free medical services in the next election in 1968, his Government that sits here now will never be returned to power. Mr. Speaker, we must tell our Government that we must not cheat the children of the country and we must get the services we were promised. When we tell these things to the people we must realize that we are talking to human beings and not stones. Therefore, there is no point in again creating a sort of discriminatory Bill which is not going to be supported by the majority of the people in the country.

If we support this Bill it will go through, but we will not support it until the Minister assures the House that in the near future he is going to appoint a committee to look into the possibilities of introducing a free medical service for all the citizens of the country. He must also abolish the sort of racial bodies which still exist in the country today.

Of course, as my friends have said, when you go to the King George VI here: you see that we have cheated all the citizens of the country when we say that we have forgotten this question of racial feelings. When you go to this hospital you find that there is a hospital here for European, there is a hospital here for Africans and there is

[Mr. Oduya]

hospital here for Asians. Which nation are we building? It is ridiculous for this Government to cheat us in this House but they are not doing their best to bring Kenya together.

An hon. Member: *Harambee!*

Mr. Oduya: I agree with my friend but perhaps *Harambee* is only used as a cover. Our Government is not doing anything from their black heads, it is doing something directed by the white heads.

Mr. Speaker, Sir, the man who is the Minister for Health is not only a man who took over because of political reasons, he is, at the same time, a man who is a qualified doctor. He knows the problems that face his own people, the black people. Although the Minister is trying to defend this Bill, Sir, I know that this Bill is only going to open the way for a few Africans who can join. Those few Africans will be there, but the Minister forgets that it is high time that we gave the country the true representation that we are pledged to follow. This Bill, of course, will allow a few Africans to join with the Asians. Most of us have not as yet become citizens—particularly most of the Europeans and Asians have not become citizens—and some of the people in the country are still foreigners, yet the Minister wants to encourage the foreigners to benefit at the expense of the poor Africans, and if he continues in this I am sure he is going to be doomed one of these days.

Therefore, we ask you to appoint a committee as soon as possible and you must assure this House that the committee is going to work on something. We must find a possibility of introducing free medical services in 1965 when the next Bill of this kind is going to be discussed, because you are too late to introduce it this year. We must have this assurance. Thank you, Mr. Speaker.

The Speaker (Mr. Slade): Many points on this Bill have now been made several times over, and we cannot have any more repetition. Also, I think I have allowed Members to roam beyond the question enough, with reference to such matters as free medical services.

Mr. Barnsa: Mr. Speaker, Sir, although I am standing, I am not going to side with the Bill because this is a national Government and this is our National Assembly and everyone is equal before the National Assembly; we are equal before death and we are equal before everything else. With regard to all the money we pay out: we have never had any discrimination between

the money we pay out, between the money from the white and the money from the black. Therefore, whatever comes with discriminatory implications, shall never be sided with by me.

Mr. Speaker, Sir, this is the time when our Ministers should have in mind the fact that the present Government is trying to wipe out all the differences that have existed in the past. We only gained our Government in 1963 and it was only then when differences were stamped at unmanipulously and an African had to have things very inferior, whether it was the treatment of illness or anything else. Since we have the same diseases in tropical East Africa we must all have equal treatment. Whatever Bills are brought forward before us should never have any racial implications or discriminations whatsoever.

Therefore, Mr. Speaker, Sir, as we are very much aware of these things, the national Government, with all the Africans, with all the Europeans and with all the Asians in Kenya, should be given the same treatment under all the different circumstances. Since I do not want to side with this Bill I would, therefore, say that any Bill that comes to this House—whether it is agricultural or anything else—the Minister concerned must realize these things. Whoever opposes on the Opposition must not be taken as opposing just for the sake of opposition. Discrimination must never be accepted at all in our community. Therefore, I do not side with the Bill at all. I am sorry.

Mr. Godia: Mr. Speaker, I am sorry to say that when the Minister brought this Bill—I am not quite sure—he did not put it before the committee which is supposed to advise him on certain issues of this type. We have, in this Parliament, committees attached to each Ministry. Mr. Speaker, I am wondering whether the members of these committees—certainly the one of this nature—were shown this, because if they were they would have advised him of the feelings of the people. Actually these days our people are different; they are not what they used to be in the old days because they know what is right and they can only side with what is right. We feel, Sir, that a mistake has been made. We should ask the Minister to try and amend this himself before getting the approval of the House.

Sir, the masses of the people are suffering from not having treatment and many people are dying. Many of the poor children cannot get treatment simply because they feel that we were deceiving them—as has been heard from one of my colleagues—during the election campaign because now they are getting nothing.

(Mr. Godin)

Mr. Speaker, I feel that this Bill should be considered again by the Minister before we put it to the vote because it is not a thing which the people of the country wish to see. We should aim at getting all the people in Kenya together so that they grow together, work together and dream together, and we can only do that when we get Bills to that end. This particular Bill only benefits, as you have heard, a few of us who are very fortunate and many of the Asians and many of the Europeans; only a few of the unfortunate Africans. Therefore, I feel that this Bill should be reconsidered by the Minister before it is put to the House.

With these few remarks, Sir, I wish to reserve my vote.

The Speaker (Mr. Slade): I do not think we have had anything new from the last three speakers, and it does not look as though we are going to have anything of further interest.

Mr. Ole Ololotipit: Mr. Speaker, Sir, the question of treatment of disease should be the same for everyone. I believe that when somebody suffers from a disease it is very bad and I believe that all you need after you have suffered from a disease is treatment for the disease. I do not know but I wonder whether I can produce something new. Mr. Speaker, on this Bill, because there is only one important thing, if you are attacked by a disease all you need is the treatment for that disease. The question here, Sir, is why the Africans get different treatment from the Asians? This I think is absolutely impossible.

The Speaker (Mr. Slade): Mr. Ololotipit, I think about eight hon. Members have already discussed this question of discrimination with regard to this Bill. I cannot allow any further repetition.

Mr. ole Ololotipit: Therefore, Mr. Speaker, I think the very Government which is now in power promising the public that it was going to offer free medical services and free medical facilities to all.

The Speaker (Mr. Slade): There again I am afraid Mr. Tipitip, I said only just now that we have had enough on the subject of free medical services, which is not really relevant to this Bill. You must stick to the Bill.

Mr. ole Ololotipit: Therefore, Mr. Speaker, as I have nothing new to say as the other previous speakers have said everything I beg to support this Bill.

The Speaker (Mr. Slade): It is your misfortune that you came in late in the field.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, could the Mover be now called upon to reply?

(The question was put and carried)

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I am very happy that the hon. Members in this House have spoken very freely and criticized where they thought they should.

However, first of all I would like to point out to the Members here that there are several of them who probably have not read this Bill very well. Those who said that this Bill is being discriminatory are being incorrect. This Bill is trying to do the opposite, because if you read it well you will see that in the past it was Asian and Arab, but now that it is wiped out and the amendment is to make it the Kenya Hospital Fund Authority. In other words, in the past this Bill or this Fund used to be extremely against the Africans; it used to humiliate the Africans. But now we are amending it so that the Africans will no longer be humiliated by the Bill or by the Fund.

The other point is this. Many people have spoken on the facilities available. Because of the way this Bill was worded formerly, "Asian and Arab", the Asians and Arabs could go to the good hospitals when the African, whether rich or poor, could not go to those good hospitals. So, we are seeking to change this in order that any African who is a member of the scheme can go to those good hospitals. We shall, therefore, no longer have European, Asian or Arab hospitals. This is exactly what we are trying to remove: those racial hospitals called European or Asian. We want them to become national hospitals. Those who have read the Bill will see that we are doing exactly that, removing the African from being humiliated.

The third point was raised by many Members and was on making good medical facilities available to the poorer classes. This is exactly what the Government is aiming at. What is going to happen is that we are going to have more funds available to the Government with which we are going to treat the poorer people. For those richer Africans—all Africans do not have the same pay, some are wealthier than others—in terms of getting medical facilities we shall provide basic medical facilities, good drugs and good doctors in the same measure as are available in private hospitals. The only difference will be in the actual

(The Minister for Health and Housing)

accommodation provided in the hospital. You, as a Member of Parliament, have a better bed than the poor man.

Those who pay into the insurance scheme are going to be able to use the better hospitals hotel-wise, but not in terms of doctors or drugs, because Government has better doctors than the private hospitals have. The Government doctors work in the Government hospitals where the poorer Africans go; therefore, in terms of doctors the people get better doctors than they would get in the private hospitals. Besides, Government doctors work as a team and because of the team spirit that they do have the treatment ends up by being better than anywhere else. Where the private doctors fail to do their work they invite the Government doctors to give them advice. I would, therefore, like to assure this House that by doing this we are providing better medical facilities for our poor Africans. Those who can afford to pay for an extra blanket or an extra bed, let them go ahead and pay for it, because they can do it. However, the funds we have in the Government are going to be used to provide the blankets, drugs and doctors for the poor African population. This Bill is aimed at just that. In fact, it goes beyond that. Many people have talked of free medical services. In order to get free medical services for all the people in the country, in Kenya which is a poor country, it is going to require a lot of effort and hard work. It means that those who can afford to pay for themselves, and who want something better, should pay for it. The Government should only be expected to provide for the poor man who lives in the village and cannot afford to pay for himself. The Indian can afford to pay for a better blanket and he should do so but we know that he will not do so. The rich Indian is going to occupy the bed that a poor African should in all right occupy at King George VI and hence the African will not get the medical treatment that we are aiming to get to him.

If people read the Bill they will realize that this is a first step towards providing free medical services for the poor of this country, and I say here that we are looking into it so that we can remove the hospital fees that are being paid now. Before too long, we are going to remove the hospital fees that are being paid for both rich and poor at the Government hospitals. We intend to do this and we are going to do this as soon as our funds improve.

It will be false and untrue, and the Government would not be speaking the truth, if I stood here and said that today we have free medical services and yet we do not have the funds to enable us to

do just that. We do not have funds to buy the equipment, we do not have the funds to pay the people. However, I do say that our aim is to get free medical services for all the people of this country. We are going to tackle this step by step and we are going to be able to do it and to achieve our purpose. It is going to be hard work, the economy of the country is going to improve—you can see it is already fast improving—but we are going to see that in the Regional hospitals, in the district hospitals and in all other hospitals people can come freely for attention. This Government is primarily interested in protecting the poor man. When we have our budget cut out we want the poor man to get more from that budget than if we had to spread it right through so that even those who can afford to do so would try to get free treatment and thus deny the poor man of his great need. That is how the rich man will rob the poor by going to the poor man's hospital.

Therefore, in the future, we want to have only one National Health Insurance Scheme for everybody, not only as some people say voluntary at times and compulsory at other times. It is going to be one national scheme where everybody is going to be on the same level. People will pay as much as they can because they will be deriving great benefits by being members of this scheme.

Many questions have been raised on what I have said, and I would like to mention that perhaps the misunderstandings arose because the Members probably had not read some of the clauses carefully. The clauses explain the reasons of the Bill as follows: (1) to remove discrimination; (2) to stop humiliating the Africans; they were being humiliated in the past during the days of the Colonial Government; (3) to provide better medical facilities for the poorer class of Africans because we are going to have more money to put into the Government services and, therefore, the poorer man will benefit; and (4) it is another step towards implementing our free medical services as soon as we can.

Mr. Speaker, I want to thank those Members who have spoken in support of this Bill because it is very important for us to deliver the goods: that we are going to help the poor man in this country; that we are going to implement African socialism. We can do it by getting the money from the rich people and giving it to the poor people.

Mr. Speaker, Sir, I beg to move.

(The question was put and carried)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Second Reading

THE PYRETHRUM BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the Pyrethrum Bill be now read a Second Time.

This Bill completely reorganizes the pyrethrum industry with two main aspects. One, for greater efficiency, and two, is in the light of a new and independent Kenya.

Mr. Speaker, Sir, this industry, agricultural-wise, has perhaps gone through more difficult times in the last five years than any other agricultural industry. One of the main reasons why it has been allowed, or has drifted, into these difficult times is because under the colonial regime the Minister and the Government did not have any powers of direction and Members will note that in the new Bill this has been taken care of. It is an industry. Mr. Speaker, which over the last five years has had numerous inquiries into its working. When we came into government, this industry was in the doldrums and we immediately set up a committee of inquiry, under the chairmanship of Mr. Kibaki, to find out exactly what the sickness was in this industry, and we have here today a Bill which has come out of the inquiry of which Mr. Kibaki was chairman, in the form of a Bill being presented to this House. This inquiry also led us as a Government to have discussions with the Tanganyika Government, who are also highly involved in pyrethrum production; it also led us to have discussions with the Colonial Development Corporation, the people we were wanting to help us finance the difficulties we are in; and also collecting the commercial people under Mitchell Cotts, who act for Tanganyika, into the agreement and into the discussions. When we came into government, in June last year, it was to find that the pyrethrum industry had a stock-pile of 6,000 tons. This meant that as a Government, to save this industry, had to guarantee to them a million pounds, otherwise the whole industry would have collapsed. I am pleased to say, Mr. Speaker, that the decision we took in guaranteeing this money to the pyrethrum industry, and with the result of the inquiry, led to the stock-pile by the end of this financial year in June being reduced to 3,500 tons. But, Sir, I would like to warn the House that although we were quota'd, this year we are in now for a quota of 7,000 tons, we are only going to grow somewhere between 4,500 tons. The reason for this, Mr. Speaker, is that certain areas have not been able to come up to the quota which was given them. I want to say right now, Mr. Speaker, that we as a Government cannot sit and allow people who are given a quota

not to fulfil this quota, and we intend seeing that the areas, and I want to name some of them, that are going to produce their quota, gain from helping the country in producing what they have been asked to produce. I would like to name the Kiisi District here, because they have had a quota; they asked for an increased quota and they got a slightly increased quota and they have filled it. There is the Kiambu area under their Co-operative who also fulfilled their quota, but we have been let down very, very badly by some areas. There are hon. Members in this House who represent these areas, so I think it would be better if I did not mention them. The hon. Member from Nyandarua says that I must mention them, his was one of the worst areas. There are reasons why his area was in difficulty in reaching their quota, but also the people in that area did not get down to a job of work as has been done in the other areas. We, as a Government, intend, through the new organization, through the new boards, to see that people who can produce the high quality pyrethrum will be given these quotas. Now, Sir, the United States of America is the country which is the biggest user of pyrethrum in the world. It uses approximately sixty-five per cent of the pyrethrum grown in the world. I am sorry to say that for some reason the purchases by the United States are going down. There are various reasons which are given to us, but it is very, very worrying indeed when you find the Western European countries which are the main users and the United States going down in consumption, and those of us who do pray, must pray that the Northern Hemisphere has a very good summer so that there are plenty of flies so that they will use pyrethrum to kill the flies, because this is what it is mainly used for. I would like perhaps at this stage to take the opportunity of congratulating the two people who have helped us as a Government to put this industry on its feet over the last six months or so, and they are the two people who took over the Pyrethrum Board from the old regime, and they are Mr. Kurea and Mr. Robinson who have done an excellent job, working hand in hand, visiting foreign countries and tying up agreements on our behalf. Now, Sir, there is a tremendous job ahead of the new Board in this organization. We are just turning the corner, we are co-operating with Tanganyika, we are co-operating with the Tanganyika processors, and there is a very good opportunity coming up now that we may be able to break through what is known as the agricultural barrier in the use of pyrethrum.

We are, in conjunction with our friends in Tanganyika and one of the biggest research companies in the world, looking into ways and means

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of being able to use pyrethrum as an insecticide in horticulture and agriculture. If we got this break-through it would mean that we would have great difficulty in future years in growing enough pyrethrum for the world demand. We are carrying out experimental work with certain foreign countries in utilizing pyrethrum as a guard against infestation by weavils and other insects in the sowing of wheat and maize. Again, if we could get this break-through and get the large countries of the world to stock-pile hundreds of thousands of bags of grain, then this would mean that we would have really to get into top gear to produce enough pyrethrum to satisfy the world. We have also set up, Mr. Speaker, between Tanganyika and ourselves, a Consultant Council so that we can work in conjunction with one another, so that we cannot ever in the future have the main world users of pyrethrum attempting to get the two countries arguing with each other so that they can get pyrethrum cheaper.

I would like to emphasize that I think that every member of this House must do his utmost in seeing that members through the elections and through the regional system, under the Constitution, who come on to this Board, are people who understand pyrethrum, because it is a very tricky industry indeed, and we as a Government do not want to interfere in the operation of these Boards unless we have to. As Members will see, Mr. Speaker, the main Pyrethrum Board is made up under the Constitution by a representative of each region in which pyrethrum is likely to grow. This I think means all the regions excepting the North-Eastern Region. Then, Mr. Speaker, under 4 (c) we have not more than six people who will come up through an election method to be named from a panel of names depending upon the areas and upon the Co-operative. I have, arising out of discussions which I have had with the Back Benchers, agreed to make this eight people and I would like to beg leave at the Committee stage to move an increase in this number from six to eight.

Now, Mr. Speaker, the Minister also has power to nominate four people onto this Board. This is going to be a very large Board, as people can see, the elected machine and the regional machine will bring in something like fourteen people, and it is Government's intention—in case it is needed—if we think that there is somebody possessing a special quality, to put him on this Board.

Then we move to the Marketing Board which is a straightforward Board, as is put down here.

with Members being put on by Government and Members being put on from the Pyrethrum Board. I would like just to draw attention, Mr. Speaker, to section 15 which allows appeal by a grower against the decision by the Board through the Appeals Tribunal, and this is something new which gives either an individual grower or the co-operatives the powers of appeal. Paragraph 16 is in there because Government, at the moment, have £1 million invested in this industry and we wish to take care of that £1 million. Paragraph 23 gives the Board the power of raising money to establish funds, either for research and/or for other purposes, from its finances, but it must have the agreement of the Government.

I think the last one which may interest hon. Members, Mr. Speaker, is item 37, which is the penalties which are needed for people who are guilty of offenses under this Bill. These penalties are being included in both the Tanganyika and Kenya legislation, among other reasons, to stop the movement of pyrethrum from one territory to the other when, for certain reasons, perhaps one territory is short of a quota as we are this year. This means that pyrethrum people in Tanganyika might upset our market by moving in here, and vice versa when other things happen.

Mr. Speaker, this Bill give tremendous power to our producers. Our producers are, in the majority, young, and in many cases young, new African farmers. Therefore, this Bill does place into the hands of these producers and their co-operatives, great responsibilities, and I do say again here that we have six people coming in under the regional aspect of the Constitution, and I would ask those people who have dealings with the regions to ask the regions, as I will do each President, to see that people who are put on this Board, because of its importance, are people who have a background knowledge of the pyrethrum industry, and in fact, I think it would be better if they were people who themselves grow pyrethrum.

If people read this Bill carefully, Mr. Speaker, they will see that its future is being built up on co-operative societies at the ground level. These co-operative societies will bring forward the majority of the members to the Board, other than this regional aspect which I have no control over because it is in the Constitution. My nominated Members from Government are four in number against fourteen which come up through the other way, and I do not think that they have any over-riding influence other than to advise and to help, and this is what I intend to do.

Sir, I would like to thank the Back Benchers for their co-operation. I have accepted various

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points which they raised, but I would like to end, Mr. Speaker, in saying that I sincerely hope that all Members who come from pyrethrum-growing areas will all take care to utilize the opportunity of seeing that the right people come into this most important Board.

Mr. Speaker, Sir, I beg to move.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

Mr. arap Moi: Mr. Speaker, Sir, I have been waiting to hear from the Minister on what he had to say about this Bill. First of all, Mr. Speaker, the Government sometime back encouraged Africans to grow pyrethrum in the Non-Scheduled Areas. They did so, but the Government forgot to allow them to grow the same amount they are allowed to grow, by merely saying that there is no market in Kenya or outside Kenya. Many Africans have lost interest in growing pyrethrum. I should like to say this, I do not see, and I did hear the Minister telling us what is happening with the neighbouring territory Tanganyika, with regard to prices. I gather that in Tanganyika every grower receives Sh. 2.95 per pound whereas in Kenya, our growers receive Sh. 1 as the first instalment, and the second instalment .80 cts. This is very depressing, Mr. Speaker. Although the Minister for Agriculture says that he would like to find more flies, I would like to say that we have more flies than we have had in the past, and I hope that the pyrethrum people are doing something to eradicate flies.

The Minister also pointed out that the growers have got power, but I should like to tell him this. What will happen to Africans if the Pyrethrum Board is confined mainly to the selected areas, the present Scheduled Areas? The only area in the African land unit is the Central Region.

However, other areas have grown, like Kisii or Luhya in the Western Region, so I should like to stress that there is a need to spread development in all areas of cash crops, otherwise it would be meaningless to suggest that development is only restricted to the Scheduled Areas. At the moment, we are having difficulties with the unemployed because they think that employment is found in the Scheduled Areas only. The question of prices must be improved and if the Pyrethrum Board is unable to offer better prices, the Government should be frank and tell Mitchell Cotts to take over because they are offering better prices and these prices are very attractive to our people and

this will make our people feel that they are doing something which will help them improve their standard of living. Therefore, I should like to suggest to the Minister that, though this Bill gives more power to the Pyrethrum Board, farms which have been abandoned in the Scheduled Areas, and which carried a big quota, should be taken over by African growers or Africans who are interested in growing pyrethrum so that we can balance, or at least break this imbalance of the growing of pyrethrum.

The Minister, having tackled the agricultural problem, many Members, both on the Government Benches and on this side, are blinded to matters which are vital to our people because the lower yield suggests to people that if somebody grows more to an acre, without permission, he will be locked up or fined substantially and, as I said, growers should be told that the number of acres they are given would be worth cultivating so as to get some profit from growing pyrethrum. I should also like to say that the Minister says that because Government invested £1 million in the Pyrethrum Board, they must have some control, I would say this, we have all along stated that foreign powers should not attach strings to moneys they give to Statutory Boards for development of these areas, although it is wise to advise so that the Government can get back the loans given to these Boards. I quite agree with that, but it should not be too harsh in the controls because we are tired of controls all over the place. This is a thing that many of our people would like to see decontrolled, I think, Mr. Speaker.

Mr. Speaker, could I ask you if I could continue tomorrow?

The Speaker (Mr. Slade): Yes, unless you can finish in a minute or so. How much long will you be?

Mr. arap Moi: About four minutes, Sir.

The Speaker (Mr. Slade): Then I think it is time for the interruption of business.

MOTION ON THE ADJOURNMENT

DISCRIMINATORY INTAKE IN SECONDARY SCHOOLS

The Speaker (Mr. Slade): I will now call on the Minister to move that this House do now adjourn.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that this House do now adjourn.

The Minister for Education (Mr. Otieno) seconded.

(Question proposed)

(Debate continues)

Mr. Anyien: This is not the first time I have moved a Motion on the adjournment, and the first three matters I brought up, the Ministers wanted to agree, but they have never done anything, and I am hoping, Mr. Speaker, that for this year, for the interest of the whole country, the Minister will not merely reply but he will do something definitely for the people. I have not restricted this matter chiefly because I thought other hon. Members may be having the same difficulties and as such I have left it open for all Members to discuss. The matter I wanted to bring up was in view of the high percentage of K.P.E. passes and the low and discriminatory make of pupils in secondary schools on grounds of age, religion, tribe and race, may the Minister take immediate action to remedy the situation.

Mr. Speaker, while I cannot profess to speak for the whole of Kenya, we have a situation in my own district, that is the Kisii District, which I know most, and I hope other Members will talk of their own districts which they know most. In my own district, we have only six secondary schools. The students who did the examination this year were 1,688. Those who passed were 975, but those who had a chance to go into secondary schools were only 245, which means that there were 730 students who passed, but did not have a chance to join a secondary school. Mr. Speaker, there are a lot of things, and I hope the Minister will make it clear to us what the policy of the Government is on this matter. We have cases of some boys who did very well, they got AAA, meaning they did very well, but because they were a bit tall, they were not allowed into secondary schools.

Mr. Speaker, what I believe is that if Government makes it possible for parents to pay for their child, from Standard I to Standard VIII, when that boy passes the examinations, irrespective of his age, he should be allowed to continue with his secondary education. Mr. Speaker, the illiteracy in our country is very high and while America, Europe and many other countries which are advanced can afford to put a limit on the age of the pupils in schools, Kenya cannot afford to put a limit to the students who are going to the secondary schools, because some of us went to school when we were as tall as we are now. But the fact that we are as tall as we are now does not mean that we did not get education. I would like the Minister to make it clear today that no student will be discriminated against on the grounds of his height, including in secondary school, if he has the brain to go to a secondary school.

In the district there are different managements, and we have information that every headmaster

from the different managements was given a list of the boys who were in that management's primary school. We understand that the list of those who passed was given specifically to the headmaster, from whose primary schools those boys passed. So we find that some boys who passed in three A's meant he got through. Some boys who passed in three or who passed in AAA were left down, but some people who passed in B, C, D were taken to a secondary school, which actually means that later on, what is going to happen is that this boy, who did not do too well, may not be able to pass his School Certificate, and that will be a very bad set-back. I would like the Minister to make it clear that there is not going to be any discrimination against these boys who want to have secondary education because of their religion. There are some people, who, unfortunately, did not belong to any of these religions and some of them were left behind because they did not belong to any of these organizations, so I think every citizen of this country should be given a chance of further education.

I have already mentioned that the number of students who passed was 975, and 245 were allowed into the secondary schools in Kisii, but I would also like to state that all these 245 students did not come from Kisii, some of them came from other districts, particularly from South Nyanza, and the people at home as usual will complain that if fairness is going to be employed, if we are going to have twenty-six boys from South Nyanza joining secondary schools in Kisii, we should have a number from Kisii joining the South Nyanza secondary schools, so that there could be a balance. This would be unfair because while we have so many boys who have passed and who do not have chances of secondary schools, it would be unfair to bring pupils from other areas and fill the schools in another district, while the boys in that district do not have enough chances.

For your information, Mr. Speaker, or for the information of the House, South Nyanza has seven secondary schools and as such I think they have more chance of getting a greater number of boys to join secondary education.

Mr. Speaker, the Members of the Regional Assembly, the members of the county council, and the Members of the Regional Assembly from Kisii have been trying to contact Mr. Okona, the Regional Education Officer at Kisumu, but he has not been able to respond at all, and here is where I believe that the Minister, the hon. Mr. Otieno, being, the father of education in this country,

[Mr. Anyieni]

should be able to overrule any other person who is trying to do something that is not in the interests of this country. So, to finish, I would like to suggest that we have information in my district that some schools would like to run double streams. Four places would like to run double streams, in other words, having forty more students, and I hope that the hon. Minister will be able to give a green light and make this possible as the Minister for Education in this Kanu province.

An hon. Member: On a point of order, was the previous speaker in order to say that Mr. Otiende is the Minister for Kanu?

The Speaker (Mr. Slade): He can refer to him as a Minister who is a member of the Kanu party.

Mr. Ngala-Abok: Mr. Speaker, Sir, I would like to say some specific things here, and since the Minister for Education is here, I would like him to accept my view that an investigation should be carried out to the effect that we do not need tribalism to govern or control anything concerned with our educational system. Also we do not think that age should prevent any human being from carrying on with his education, provided that he himself is capable of studying. We do not want religion to play a part in the selection of students to secondary schools. Mr. Speaker, I have a few specific complaints: one is that the students are selected, in Nyanza Region, on the basis of their marks, then letters are sent to them to join various secondary schools.

When they go with their fees ready, they are told that their age is too high and that they have to go back to their homes. A boy goes back to his home with the money in his pocket even though he was prepared and had been called to go to a secondary school. This is terribly alarming, Mr. Speaker. Our Government sends people overseas, people of forty, sixty, seventy and so on. If these old people can go overseas for two or five years' training and so on, and can absorb something of what they are taught, why should we in Kenya prevent a person carrying on his education on the grounds of age alone.

The adviser on education in Nyanza Region is Mr. Okono, the Regional Education Officer. This man must state clearly if in Nyanza Region students will be debarred from carrying on their education merely because Mr. Okono does not want Nyanza students to carry on with their education. I have learnt with great dismay, Mr. Speaker, that it is only in Nyanza Region that age is a consideration; in other regions, it is not considered.

With regard to this specific question, Mr. Speaker, of tribalism, you will have learnt from the hon. gentleman who moved this Motion on the Adjournment that the Kisii people do not want other tribes to join these secondary schools. I look at it this way, Mr. Speaker: there are more secondary schools in South Nyanza—

Mr. Anyieni: On a point of order, Mr. Speaker, is it in order for an hon. Member to misquote another hon. Member?

The Speaker (Mr. Slade): You are quite right, Mr. Anyieni, to object to misrepresentation. Mr. Ngala-Abok, Mr. Anyieni did not say that.

Mr. Ngala-Abok: Mr. Speaker, I was going to explain. There has been a lot of disappointment, because the Luo students I have in mind went to Kisii—they had been called by the Principal—and then he told them that their age was above that which was required. It was Kisii where this took place. He said specifically to these boys that he had had enough pressure from the politicians in the Kisii area, and therefore he was not accepting the Luos.

The Speaker (Mr. Slade): Whatever evidence you have, Mr. Ngala-Abok, of people from your district not being wanted in Kisii, Mr. Anyieni did not say that, and you must withdraw your statement that he did say it.

Mr. Ngala-Abok: Mr. Speaker, Sir, I wish to withdraw my statement, but at the same time I wish to state that tribalism is now ruining everything in Nyanza Region. This can only be explained in a simple way, that is, many of our students who have now lost their chances of going on with secondary education went to the Kisii High School and it was from there that they were turned out. The excuse given was age, or that there was too much political pressure brought to bear on the headmaster and he could not accept them.

The next thing I want to say is that we need an investigation, and those who were refused entry into secondary schools should be reinstated. I hope the Minister will ensure that anyone who has been called to a secondary school and selected in his absence, because of his high marks, and who now has the fees, if he has no opportunity of proceeding with his education he should be reinstated. We must do that if this is to be a Government which does not undermine people; this undermines the Government and even the Members generally. If a person cannot proceed with his education, even if he is able to pay the fees, because a certain missionary school will not

[Mr. Ngala-Abok]

take him because of his religion, because a headmaster has succumbed to political pressure or tribalism, or because his age prevents him from being accepted, we shall not get anywhere. I would ask the Minister to state categorically that all the students who went to secondary schools, but who were turned out because of their age, must be able to go back. They have the fees. There is provision, of course, that Kisii boys still have the chance to learn in Luo secondary schools; this has not been stopped. If any Members know of a Kisii boy going to the Luo area and being turned out, such as the cases I have quoted, they should be stated; we do not stop anybody coming to a secondary school in Luo country. We do not wish to see—

Mr. Anyieni: Will you give way on a point of information?

The Speaker (Mr. Slade): Order, order, Mr. Ngala-Abok. This is not really relevant. The discussion concerns the general pattern of intake to secondary schools, and tribal jealousies are not relevant.

Mr. Ngala-Abok: Mr. Speaker, to end, I was not so much concerned with the lower intake into secondary schools so much as age preventing a person going ahead with education. This is what I particularly want the Minister to investigate. Any boys who have been forced to leave school because of their ages should be reinstated. This is what I want the Minister to look into.

Mr. Masinde: Mr. Speaker, I stand to support this Motion wholeheartedly. I have a few points to put across to the Minister.

At present, the people in the areas we represent are wondering whether or not Kenya is independent. We have seen various things done by the Colonial Government, and we thought that once we become independent these things would be done away with. Some of them have been mentioned by the previous speaker and the Mover himself. One was age, which should not now be included in the question of the admission of any boy or girl going to any school. This has been applied in various places. The reason why I think it is still being encouraged—and the Minister might try to escape this way—that it is because education is a matter for the Regional Assemblies. I do not think the Minister will be able to take this chance to manoeuvre out of the situation. What I suggest to the Minister in this House is that as he is the Minister for Education in Kenya, he is the overall organizer of educational programmes throughout Kenya. He should call all

the educational committees of the Regional Assemblies and the Regional Education Officers to his office and lay out a policy to control the educational facilities. I think the basis of the policy is now to create more schools whereby we can have all young boys and girls who have passed their examinations accommodated. We cannot afford to have any boy or girl in Kenya not being educated just because there is no class. We cannot have this. This was the mentality of the Colonial Government, when they wanted African boys and girls to stop their education so that they could go to the farms and work as labourers or manual workers. Those times have gone. Let us have facilities for everyone who has a brain so that they can pass examinations; that is why we have examinations.

These are the points I wanted the Minister to realize, Mr. Speaker, so that he can plan his educational programme without giving way to the regional education officers or the regional education committees.

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I would like to begin by observing that in a very important Motion such as this, one likes to collect the figures; in this case, the question was rather hurriedly brought forward. However, I know that this is a common problem, and I will endeavour to give a few replies.

The hon. Members are presenting a problem which is exercising the mind of myself and my Ministry; we do not have answers to all the questions which have been put. At the same time, my Ministry is engaged in research to see how we can turn over from the old system to the new, and as you know, Mr. Speaker, we are now engaged actively with the subject to see how we can increase the number of secondary schools. You will observe from the Estimates of this year we put forward in the Development Scheme that the next target is to increase the number of places in secondary schools. From the number of inquiries which have been made by parents and other people, one can see that the problem of admission to secondary schools is a very serious one just now. However, I would like to allay the fears of the House, and of the Member for Majooje-Bassi, by saying that the situation is well in hand. This situation we have at present is a passing phase which will not recur in the following years. Just now we are changing from the old Becher system to the new one. It is not our fault in the Ministry that so many passes have been achieved in K.A.P.E. Had we stuck to the old system, there would not have been so many passes, but as you know we have put Standards VII and VIII together, and they have

[The Minister for Education] all done the exam. In that way, we have spoilt our own programme, because the number of passes has doubled. In our plans we expected to get this number in 1967, whereas we have them in 1964. Financially, we are not prepared and we have not yet built the schools to absorb them all.

While we are thankful that many of our students have passed the examination, we still have the problem of placing them. Normally, 5 per cent only of the students who go to primary school go on to secondary school. I am pleased to hear, from what the hon. Member said, that in Kisii alone they have attained a 14 per cent intake into secondary schools. This is a very high average indeed. It has not been achieved before. I know it is not enough, but 5 per-cent was the normal annual percentage.

This Government cannot be forced into things on which it has no policy. No single Member here can order the age to be dropped, because this Government, and every Government in the world, bases its education policy on age. Otherwise, how can you plan a system of education? If people do not go to a school at a certain age—

An hon. Member: How do you know?

The Minister for Education (Mr. Otiende): They are not at school. I know. Everybody now has a birth certificate. If they are not the correct age, why should I have married people with children in Standard I? I do not call that education. My hon. friend, the Minister for Labour and Social Services, will be glad to have adults in his schools which he is establishing. In my Ministry, I am dealing with ordinary education, I am not dealing with adults.

There is great pressure on the schools, I agree, and I am looking at that question very carefully.

At the same time, I would like to ask the Member who moved this Motion, if the Regional Assemblies will be prepared to co-operate with Central Government to produce the money so that we can take in another stream to each secondary school. That is my solution of this problem. I am going to see if I cannot have another stream in the secondary schools, because the passes this year are more than we expected.

With regard to the regions, unfortunately they are not sure of themselves. Some of them are proposing to start new secondary schools. I am finding figures now which will enable me, perhaps, to help them up to forty per cent; if they can produce the money. I can give them one class each to every secondary school. That is the only solution.

We are not in a very good position for this year and next year when we shall have huge numbers

of students. After that, we shall have normal numbers. We are just changing over from the eight-year education system to seven-year, we are getting double the number of children. This is a simple problem, if looked at from our own angle. It is not a very big one. Do not think that this is going to continue. It will go on for this year and next year only. After that, we shall have the problem in hand. I would like to assure hon. Members that the way in which boys and girls were chosen for secondary schools was a little different this year. I would like to say that this is a decision of the Government and the Cabinet. Hon. Members know very well that we had K.A.P.E. leakages, that a few people saw the papers in advance.

Hon. Members: Where, where?

The Minister for Education (Mr. Otiende): I can tell you where. I can tell you this happened everywhere. Therefore, the marks which every boy and girl got were checked against his or her previous year's record.

The Speaker (Mr. Slade): Order, order, if you want to hear the Minister there is not much time left.

The Minister for Education (Mr. Otiende): Some people got their A.A.A. and thought that they were very good, and it was found that their work in class was very bad. Another thing that we did was that the total of a boy's marks who scores A.A.B. may not be the same as a boy with B.B.B., it depends on the marking. So do not think that A.A.B. is higher than B.B.B., it is the total marks that count.

Now, there are some complaints about religious discrimination and I take that very seriously. If there are any people who have been taking students merely because they belonged to their own religion, those are the people we should deal with, because this is wrong. Students should be taken into schools merely because they are of a fit standard to be taken into schools and not because of religion. However, in Kisii I understand that some arrangement was made between the Protestants and the Catholics. This arrangement was made and by it the boys were chosen and after they had been chosen those who were Catholic were put on one side and those who were Protestant on the other side, and none of them missed an education.

The other point is—

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, is it parliamentary language to tell another hon. Member that he is cheating when he is giving some information?

The Speaker (Mr. Slade): It is not.

Mr. Oduya: Mr. Speaker, Sir, the Minister said that there was an agreement between the two in Kisii. Is he telling us the truth? Would he tell us exactly what is the reply, whether it is the truth or not? I can give an example of my own area.

The Speaker (Mr. Slade): What is your point, Mr. Oduya? I do not understand why you are speaking. Are you just raising a point of order, or what?

Mr. Oduya: The information concerns my own area.

The Minister for Education (Mr. Otiende): You cannot compare what was done in one region with another region. Each region has an arrangement and I am not talking about Busia or any other. I am talking about Kisii. We are dealing with Kisii. I would like to let the House know that students could go to a secondary school according to the places available in the seven secondary schools in the Luo area and six in Kisii, and that none missed a place, merely because they were of a certain religion. The only thing that happened was that there were not enough places to take all the students.

Now, some Members are afraid—as you have heard on the floor of the House—that boys of a lower grade from another area may come in their schools and take the places of boys with a higher grade. People are tending to look at the secondary schools in their villages as their own. Let me take this opportunity to tell them that there are no schools that belong to certain people. Secondary schools are for all the citizens of Kenya: whether they are called regional or national, is immaterial.

Now, if you work out the figures of the Kisii students you will find that, as I have said, 14 per cent of them have gone to secondary schools. In Nyanza there are over 6,000 pupils who sat K.P.E. 2,900 passed, that is 48 per cent, and 888 got into secondary schools. In Kisii alone—my figures are slightly different from those of the hon. Member—1,860 pupils sat, 261 passed and gained admission to secondary schools.

The Speaker (Mr. Slade): I am afraid that is the end of the time allowed to you.

The Minister for Education (Mr. Otiende): I have a lot to say. As a result of that—

The Speaker (Mr. Slade): I am sorry, Mr. Otiende. Mr. Pandya you may have one minute.

Mr. Pandya: Mr. Speaker, Sir, I share the anxiety of the other hon. Members, expressed in this short Adjournment Debate. While I sympathise with the point of view expressed by the

hon. Minister, I would like to say, Sir, that this problem is very acute in all the regions, and may I suggest that while there is such difficulty in getting into the Government secondary schools, could the Minister consider encouraging private schools to function? I appreciate the standards of education and teaching required, but, Sir, under the present circumstances, they are most needed by the community. So, would he consider encouraging people to come forward to maintain those schools by taking these pupils who have been unfortunate enough to be left out, although they have passed their preliminary examination? I suggest this, Mr. Speaker, as a temporary expedient only, as he said himself that in two years we shall revert to a normal period. I would strongly recommend that we would be doing an excellent duty to the parents if we accepted this course.

With those few words, Mr. Speaker, I beg to support.

ADJOURNMENT

The Speaker (Mr. Slade): We have now had our half-hour. Therefore, the House is adjourned until tomorrow, Wednesday, 4th March, at 2.30 p.m.

The House rose at Seven o'clock.

WRITTEN REPLY TO QUESTION

Question No. 76

EXPERIMENTAL LAND SETTLEMENT SCHEME:
THARAKA

Mr. Nyaga asked the Minister for Lands and Settlement if the Minister would tell the House whether he was prepared to introduce a Land Settlement Scheme on an experimental basis for the people of Tharaka?

REPLY

The nearest settlement scheme in the Eastern Region to the area in which the Tharaka people live is the Timau scheme. This scheme is expected to receive its first settlers in July of this year. It will be a matter for the President of the Eastern Regional Assembly to decide who shall be chosen as settlers for the scheme. If, however, it is the wish of the Tharaka people that a scheme be established in the Tharaka area, then the local District Agricultural Committee should put up detailed development proposals to the Regional Agricultural Board. If the Regional Assembly agree that the proposals are acceptable it should then arrange to have them submitted to the Central Agricultural Board for consideration.

Wednesday, 4th March 1964

The House met at thirty minutes past Two o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

NOTICES OF MOTIONS

FARMING AND MARKETING FACILITIES:
UKAMBANI

Mr. Mutiso: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House, being of the opinion that because the growing of cash crops in Ukambani is unsuitable due to climatic conditions, and that such food grains like millet, cow-peas, pigeon peas, etc. should take the place thereof, urges the Government to provide better farming methods and facilities for the Akamba growers, and also provide a better marketing system, local and overseas.

REDUCTION IN SALARIES: MINISTERS AND
PERMANENT SECRETARIES

Mr. Ngala-Abok: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in view of the considerable financial difficulties at present experienced by hon. Senators and Members, this House urges Government to consider reduction of the salaries of Ministers and Permanent Secretaries by one-third and increasing those of Senators and Members to £1,350 a year to enable them to meet their expenses effectively.

Mr. Ngeli: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

TROOPS FROM COMMONWEALTH COUNTRIES

THAT this House, for the purpose of pursuing and maintaining a policy of non-alignment, urges the Government to take troops for defence, training and for maintenance of law and order, from Commonwealth countries (such as Ghana, Nigeria, Canada, Pakistan, India, Ceylon, Australia and/or Britain) instead of taking troops from one country only for the same purpose.

IMPROVEMENT OF MACHAKOS GENERAL
HOSPITAL

THAT this House, knowing the appalling conditions and lack of medical equipment and facilities in Machakos General Hospital, and that the hospital having been placed in the

category of a national hospital constitutionally, urges the Government to take immediate steps to develop the hospital on the same and better lines as other national hospitals in Kenya.

ORAL ANSWERS TO QUESTIONS

Question No. 6

GOVERNMENT MEMBERS: DIRECTORSHIPS

Mr. Kali asked the Minister for Justice and Constitutional Affairs how many members of the Government had taken over directorships of various commercial firms in Kenya?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. When taking office, Ministers are normally required to resign all directorships except honorary directorships and those of a philanthropic undertaking. Parliamentary Secretaries are required to disclose directorships in order that a decision may be made as to whether or not they are in conflict with their official duties. So far no Member of the Government has taken over a directorship in a commercial firm at present. One Minister and one Parliamentary Secretary hold directorships in two different companies, owning their respective family agricultural farms. One Parliamentary Secretary is a director of East African Airways, representing the Kenya Government, and also a director of a small firm. Permission to retain these directorships was granted by Government since such directorships do not interfere nor are they in conflict with the official duties of the persons concerned.

Mr. Murgor: On a point of order, Sir, recently there was a case in which a Parliamentary Secretary answered a question on behalf of the Government and then the Minister for Information refuted it and said he was not speaking on behalf of the Government. May we know now whether this Parliamentary Secretary is answering on behalf of the Government?

The Speaker (Mr. Slade): That is not a matter on which I can rule. The Government may or may not support the statements made by particular Ministers or Parliamentary Secretaries. Their strength will, of course, be judged by the extent to which they do accept collective responsibility, but the matter is for hon. Members to judge, not one on which I can rule.

Mr. Areman: On a point of order, Mr. Speaker, does this mean that when the Parliamentary Secretaries answer the questions they do not arrange with the Ministers how they are to answer and will then be fully supported by the Government?

The Speaker (Mr. Slade): I did not quite get what Mr. Areman said, but the position is that when questions are asked the Minister or the Parliamentary Secretary answers, he purports to answer on behalf of his Ministry and the whole of his Government. Whether, in fact, he has done so remains to be seen afterwards. There is no more to be said about it as far as I am concerned.

Mr. Ngala: Arising from the reply from the Parliamentary Secretary, Sir, will the Parliamentary Secretary state whether there are any honorary directorships which are taken by Ministers, and secondly could he tell us whether wives of the Ministers can take directorships in various areas?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): To the first part of the question asked by the Leader of the Opposition, the answer is no, Sir. With regard to the second part, the Government is not concerned with the affairs of the wives of the Ministers. As a matter of fact, the wives of Ministers of Parliamentary Secretaries are not barred by the law from becoming directors of any commercial companies.

Mr. Shikuku: Arising from the Parliamentary Secretary's reply, he pointed out that the Minister had to resign his Directorship if he became a Minister, but now we have him saying that it is not the responsibility of the Government to worry about their wives. Is he aware that the Ministers are resigning and having the same directorship passed to their wives?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): I am not aware of any Minister having transferred his directorship to his wife.

Mr. Mutiso: Mr. Speaker, Sir, could the Parliamentary Secretary give us a breakdown of the Ministers who resigned their directorship when they took office?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): The answer, Mr. Speaker, to this question was that one Minister and one Parliamentary Secretary hold directorships in two different companies owning their respective family agricultural farms. Permission for the retention of these directorships was granted by Government since such directorships did not interfere or conflict with their official duties.

Mr. Kali: Mr. Speaker, Sir, is the Parliamentary Secretary aware that very strong rumours are going round that most of the Members of the

Government control most of the private farms in Kenya today? Can the Parliamentary Secretary assure the House that is not true?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): The Government is not responsible for irresponsible rumours which are being spread in the country, and the Government is not aware that the Ministers or Parliamentary Secretaries are controlling a good number of farms.

Mr. Mutiso: On a point of order, Mr. Speaker, I do not think the Parliamentary Secretary answered my question.

The Speaker (Mr. Slade): Well, ask it again.

Mr. Mutiso: My question was whether the Parliamentary Secretary could give us a breakdown of the Ministers who actually resigned their directorship when they took office?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Since permission was given to retain the directorships of one Parliamentary Secretary and one Minister who were only in such positions before they took office, the question of resigning did not arise.

The Speaker (Mr. Slade): It is true the original question was how many Ministers have taken over directorships and not how many had resigned, and if the Parliamentary Secretary does not want to go any further in answering you, he need not do so.

Mr. Malsori-Tumbo: Arising from the Parliamentary Secretary's reply, can he tell the House if this rumour of Ministers or Parliamentary Secretaries taking up directorship is true? If true, is he aware that this is one of the embarrassing things which the Ministers are doing in the country?

The Speaker (Mr. Slade): I thought that had already been answered. I do not know if you want to add to your previous answer.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): I thought, Mr. Speaker, that I had already answered this question. The matter still is that is that if any hon. Member can mention a specific case to the Government, the Government will examine that case.

An hon. Member: Which Government?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): This Government.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the junior Minister assure the House that he is aware of a pressing and urgent need for legislation against Ministers who at the present time are directors, and that he is going to undertake to introduce legislation immediately?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): I am not aware of the pressure mentioned by the hon. Member, nor am I prepared to give an undertaking on behalf of the Government.

Mr. Anyleni: Mr. Speaker, in view of the anxiety expressed by the majority of the Members, will the Parliamentary Secretary kindly set up a commission to inquire into some of these allegations expressed by hon. Members?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Will the hon. Member repeat the question?

Mr. Anyleni: My question was in view of the fact that the majority of the hon. Members here are not completely satisfied with the replies being given by the Minister, and in view of the allegations that the majority of the Ministers or their wives on behalf of the Ministers are directors, will the Parliamentary Secretary give this House an undertaking that they are going to set up a commission to inquire into some of these allegations?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): The answer is no, Sir.

Mr. Mibogoh: On a point of order, would you think it in order for the Parliamentary Secretary to get an answer to questions that he does not know. It seems that the Parliamentary Secretary is not answering any question at present because there is fear that another Minister might rise up and he is not well informed, so I do not think we are getting anywhere by continuing.

The Speaker (Mr. Slade): I am afraid that is not a proper point of order.

Mr. Ngala: Arising from that reply, Sir, could the Parliamentary Secretary explain how a Directorship to the East African Airways does not affect the work of a Parliamentary Secretary or a Minister, whereas Directorship to the breweries may affect the work of a Parliamentary Secretary of a Minister? Is it not a subject for inquiry as the previous Member has asked?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): It looks as if the Leader of the Opposition does not know

the position of the East African Airways. It is a corporation, and one in which the Government of Kenya is very interested. For that purpose the Government of Kenya is represented by this Parliamentary Secretary.

NOTICE OF MOTION ON THE ADJOURNMENT

GOVERNMENT MEMBERS: DIRECTORSHIPS

Mr. Ngala: In view of the unsatisfactory reply, Mr. Speaker, which has been given by the Parliamentary Secretary, I wish to move a Motion of Adjournment on this subject.

The Speaker (Mr. Slade): When an hon. Member has given notice that he has that intention, that closes supplementary questions.

ORAL ANSWERS TO QUESTIONS

Question No. 30

EAST AFRICAN FEDERATION TALKS

Mr. Agar asked the Minister of State, Prime Minister's Office whether—

(a) the Prime Minister would inform the House what specific differences and/or obstacles had led to a lag in the East African Federation talks;

(b) what steps the Kenya Government was taking to assist the resumption and progress of such talks.

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Mr. Speaker, Sir, on behalf of the Minister of State, I beg to reply.

An hon. Member: Where is he?

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): He is working for the nation elsewhere.

(a) No "specific differences and/or obstacles" have arisen in the discussions on Federation. The delay in finalizing discussions is not due to any such differences or obstacles.

(b) The Kenya Government has instructed its representatives on the Working Party to do everything possible to complete its report.

Mr. Agar: Mr. Speaker, Sir, is the Government aware that speculation is very strong that certain Members of the delegation from Kenya were putting their personal ambitions before the Federation?

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): The Government is not aware of any such thing.

Mr. Ngala: Arising from the reply by the Parliamentary Secretary, Sir, apparently there are no differences and no obstacles. Can the Parliamentary Secretary give us the agreements in these talks, if there are no obstacles and differences?

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Apparently the hon. Leader of the Opposition did not listen to my answer. I said no specific differences and obstacles were responsible for delay.

Mr. arap Moi: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, would he state whether these talks were contrived to help the Federation?

Mr. Gatuguta: Mr. Speaker, Sir, it appears from the reply of the Parliamentary Secretary that there are no specific difficulties or obstacles. May we know, then, why the Federation has not yet been brought into practise?

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): The only reason is that the discussions with the other territories have not yet been finalized.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, would he tell the House the reasons why, if there are no obstacles, we did not achieve a Federation before the end of last year as was stated?

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Mr. Speaker, I never said there are no obstacles or differences. What I have said was that no differences or obstacles are responsible for the delay.

Mr. Mutiso: Arising from one of the Parliamentary Secretary's replies, Sir, and in view of the fact that the Parliamentary Secretary is aware that this House is part and parcel of that Federation, would he then give another undertaking that he is going to furnish this House with a full statement on the progress of the Federation?

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): I can give this House the undertaking that when the proper stage arises, full information will be given to the House.

Mr. ole Tipis: Mr. Speaker, Sir, could we know from the Parliamentary Secretary how many meetings so far have been held this year and since there are no obstacles or differences specifically, could he tell us when we can expect a finality of this Federation?

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): If the hon. Member

insists upon not listening to me it is difficult to assist him any further. I am sorry I am not aware of the number of meetings that have been held.

Mr. Kail: As I understand, the Parliamentary Secretary said that there have never been any differences. Is he aware of the differences which have appeared in the Press?

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): The Kenya Government is not responsible for the Press.

The Speaker (Mr. Slade): I am afraid it is out of order to refer to the accuracy or otherwise of Press statements in Question Time.

Mr. Gatuguta: If there have been no specific differences and obstacles, can we then assume that it is the working party which has failed to do its work, in fact the working party is completely changed.

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): I am not saying the working party is responsible. The working party did its work and made a report to the heads of State at the proper time.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Parliamentary Secretary refute or accept a statement which appeared, made by a Member of the Uganda delegation to the working party that because of the ambition displayed by some Kenya delegates, the Federation talks were sabotaged and this led to differences?

The Speaker (Mr. Slade): I think we are back indirectly here on the accuracy of a Press report, in which case we will not pursue that.

Mr. Ngala: Arising from one of the replies by the Parliamentary Secretary, could the Parliamentary Secretary state whether it is the differences or obstacles that made it necessary to have a change of Chairmanship from the Minister for Constitutional Affairs to the Minister for Home Affairs in the working party?

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): No, Sir.

Mr. Masinde: Mr. Speaker, Sir, would the Parliamentary Secretary tell the House what is happening—I will not refer to the Press but to this item—could we be told that in this House. What we need is not an excuse that you do not sit on the committee, then you get a person who does not sit on the committee giving a full report.

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Mr. Speaker, I have never stated that I do not sit on the committee, and for that reason I am not giving information. The hon. Member is just jumping to conclusions because of preconceptions.

Mr. Muisori-Itumbo: Mr. Speaker, Sir, could the Parliamentary Secretary tell the House when the next meeting of the working committee is taking place?

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): The meetings are arranged by members of the working party. I have already told the House that the Kenya Government has instructed its representatives on the working party to do everything possible to complete the work.

Mr. Agar: Mr. Speaker, Sir, in view of the very unsatisfactory answers can the Parliamentary Secretary assure us that he is going to make the Government undertake to give us more frequent reports on the progress of Federation talks?

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Sir, the Government has stated in this House more than once that when the proper time comes the fullest report will be given.

The Speaker (Mr. Slade): Hon. Members will make no further ground on this question at this stage.

NOTICE OF MOTION ON THE ADJOURNMENT

EAST AFRICAN FEDERATION TALKS

Mr. Shikuku: On a point of order, I was wondering whether it would be in order in view of the unsatisfactory replies given by the Parliamentary Secretary, if I could move a Motion of Adjournment on this.

The Speaker (Mr. Slade): If you want to do that at Question Time, you should mention it before we move on to the next question. It is all right to give such notice at any other time, but outside the House. In any case, hon. Members have to give notice in writing of a desire to raise a matter on an adjournment.

Mr. Omar: On a point of order, I am rising to seek your guidance on Question No. 55. Since I understand that the land according to the Constitution is a regional affair, is it proper for this question to be asked in this House instead of at the Regional Assembly?

The Speaker (Mr. Slade): Quite often we come across a question which, by reason of the complicated nature of our Constitution, may or may not be the responsibility of the Ministry in question. It may be the responsibility of a regional government, for partly one, partly another. In those cases of doubt, we allow the question, and if the Minister feels that it is not his responsibility at all he tells us so.

Mr. Kiprotich: On a point of order, I would like to ask for your ruling. Is the Minister aware that in Rift Valley most Kanu members are not represented in the Regional Assembly?

The Speaker (Mr. Slade): That is not a point of order.

ORAL ANSWERS TO QUESTIONS

Question No. 55

TRANS NZOIA INDIGENOUS LABOURERS

Mr. Lorema asked the Minister for Lands and Settlement if the Minister would tell the House where the indigenous labourers of the farms in Trans Nzoia would go when these farms were bought by African capitalists?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. The purchase of large farming units by "African capitalists"—I would prefer to call them progressive and diligent African farmers—in the Trans Nzoia District is in accord with the Government's policy to preserve larger farming units, so necessary to the country's agricultural economy, and at the same time to ensure that as many Africans as possible can participate in large-scale farming. In addition, it must be presumed that these African purchasers, who often form themselves into groups for this purpose, will retain the existing labour force on the farm when they purchase. In the event of any discharges taking place, the President of the Western Regional Assembly has the sole authority for their selection on settlement schemes established by my Ministry in his region.

Mr. Masinde: Mr. Speaker, Sir, could the Minister tell the House with regard to Africans who have farms now, how many have discharged their labour force because they could not afford to pay them, and what is the Minister doing about this?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, the Minister is not aware of any labour being discharged by African farmers at the present moment.

Mr. Oduya: Mr. Speaker, Sir, the Minister has not made it quite clear to me and to the House. The question here is as simple as anything. We would like him to give us a specific answer according to the question. Where will the indigenous labourers on the farms in Nzoia go when these farms are bought by African capitalists? Can he tell us where, because there is a surplus of labour? We want to know where these people will be taken who are not in a position at present to have any land? That is the question.

The Minister for Lands and Settlement (Mr. Angaine): I think, Mr. Speaker, if the hon. Member had listened carefully, he would have heard that I answered the question. Now, listen very carefully: in addition to it, Mr. Speaker, I presume that these African purchasers, who often form themselves into a group or into groups for this purpose, will retain the existing labour force on the farm when they purchase. In the event of any discharges taking place, the President of the Western Regional Assembly has the sole authority for their selection for settlement schemes established by this Ministry.

Mr. Murgori: Mr. Speaker, Sir, some indigenous people in Trans Nzoia do not come from the Western Region—

Mr. Kerich: On a point of order, Mr. Speaker, is it in order for the Speaker to give others a chance to ask questions and it is always the same Members, whereas we are not called to ask questions as we are sitting at the back?

The Speaker (Mr. Slade): Order, order, order. I cannot hear this point of order.

Mr. Kerich: I am asking if it is in order for the Speaker to give a chance to Members who are in front to ask questions?

The Speaker (Mr. Slade): I am afraid I cannot understand your point, Sir down.

Mr. Murgori: Is the Minister aware that most of the people in the Trans Nzoia are not indigenous members of the Western Region alone? If he is aware of this, what is he going to do to see them settled?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I remember that some time I had a meeting of all the Presidents of the Regional Assemblies in my office, and the reason for the meeting was to ask them whether they would consider the people from different tribes of Kenya. They refused, they said no, they could not do it. Therefore, Mr. Speaker, the answer is this: if there are people in a person's region from a

different tribe, they can go back to their district of origin or mother land and get settlement there.

Mr. Ngala: Mr. Speaker, Sir, arising from the reply of the Minister, could he state whether the problem of displacing indigenous labourers has occurred in that area? Secondly, could he state, if the problem of displacing indigenous labourers, in that area has occurred, how many of them have had to be displaced?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I have no record of it, and I am not aware of that at all.

Mr. Anyieni: Mr. Speaker, Sir, is the Minister aware that some of the squatters who have been living on the land in question for the last fifty years are being kicked out and they have nowhere to live, and that they are being asked to enrol for employment in Nairobi and other places?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I am not aware of it.

NOTICE OF MOTION ON THE ADJOURNMENT

TRANS NZOIA INDIGENOUS LABOURERS

Mr. Murgori: Mr. Speaker, on a point of order, in view of the unsatisfactory answers, I wish to raise this matter on the Adjournment.

The Speaker (Mr. Slade): Yes, if we can find time for it.

Mr. Ngala: On a point of order, Mr. Speaker, I rise to seek your guidance. These questions are submitted to Ministers many weeks before the Ministers actually reply. This afternoon, all the answers have been unsatisfactory from the Government Bench. What do we do in such cases, when the Government does not give satisfactory answers to our questions?

The Speaker (Mr. Slade): When hon. Members receive answers which they regard as unsatisfactory, or no answer at all, they make their dissatisfaction known—which they have done very clearly this afternoon, I think—or they pursue the matter further on an Adjournment Motion or by a substantive Motion. The point of questions really is for hon. Members to seek information and to test the capacity of the Ministers to satisfy them. If they place on record that they are not satisfied, that is one of the functions of this Parliament.

Mr. Ngala-Abok: Mr. Speaker, I would like your ruling on this: You have stated that Ministers should give sufficient consideration to these

[Mr. Ngala-Abok]

questions, and consequently the House does not get enough information, for the Members to take back to their constituencies, and therefore the Ministers should be warned that in future when giving answers in this House they will do so properly and well.

The Speaker (Mr. Slade): It is not for me to teach Ministers their jobs. In fact, no one can make a Minister answer a question better than he has already, except the strength of public opinion as expressed by this Parliament.

The Minister for Education (Mr. Otende): Mr. Speaker, I rise to ask a point of clarification. For how many days must a question be in the hands of a Minister before he has to answer it?

The Speaker (Mr. Slade): The answer to Mr. Otende's question, according to our Standing Orders as they now are, is that ten days from the date of the receipt of the question in the Ministry the question is required to be answered if, of course, the House is sitting.

Mr. Gatiguta: On a point of order, Mr. Speaker, Sir, following the point of order raised by the Minister, some questions were submitted in November last year, and we have had no replies up to now. What are we Members to do, if we cannot get our replies to questions in accordance with Standing Orders?

The Speaker (Mr. Slade): The best thing is to bring them to my notice. If a question has not been answered within the allotted time, then if people let me know about it I can do something.

ORAL ANSWERS TO QUESTIONS

Question No. 56

DEPARTMENTAL PRESS OFFICERS: KITALE DISTRICT

Mr. Lorema asked the Minister for Information, Broadcasting and Tourism whether, in view of the lack of adequate publicity for important public events in Kitale District, the Minister would take early steps to have a departmental press officer appointed to that area?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, I have the honour to reply. The Government has a qualified Assistant Press Officer posted to the Information Office Nakuru. His responsibility is to cover the whole of the Rift Valley Region with the exception of Masailand which is served from the Information Headquarters in Nairobi.

2. The Assistant Press Officer at Nakuru does a valuable job for both the Kenya Government and the Rift Valley Regional Assembly and should be notified by all concerned whenever events that require publicity are being arranged in the region. Due to lack of sufficient funds, it has not been possible for the Ministry to open a Government Information sub-office at Kitale and we must therefore make the best use of the Assistant Press Officer who works from Nakuru.

Mr. Murgor: Mr. Speaker, Sir, would the Minister agree with me that his Ministry and branches in the country are only concerned with the towns, that they do not go outside into the reserves?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, it is not true to say that my Ministry or my officers fear to go into the country, because that is the duty of my Ministry, to see that we go to the people and explain the functions of the Government to them.

Mr. Shikuku: Arising from the Minister's reply, could he tell us how often during a week does the Assistant Information Officer pay a visit to Kitale?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): As often as he is required, Mr. Speaker, Sir.

Mr. Mairori-Itumbo: Mr. Speaker, Sir, is the Minister aware that the people in the country are tired of hearing trivial news from Nairobi and from the countries abroad?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, that should be another question because the news from Nairobi may be from the main broadcasting station.

The Speaker (Mr. Slade): It is another question.

Mr. Ngala: Arising from one of the replies by the Minister, would he not agree with me that he is neglecting Kitale because it is not a Kanu stronghold?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, I do not agree.

Mr. Bonnett: Mr. Speaker, in view of the fact that Kitale is about 200 miles away from Nakuru, and in view of the fact that Nakuru is covered by Press officers from various papers, would the Minister consider transferring this officer stationed at Nakuru to Kitale?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, I was considering opening a sub-office in Eldoret, which is about a hundred miles from Nakuru, if this House will give me enough funds to run the office.

Mr. arap Moi: Mr. Speaker, Sir, are the Ministers, and the Government as a whole, aware that the Ministry of Information officers do not deal with the whole country, they only deal with the running about of the Ministers and not with the working of the regional authorities?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, I am not aware of that, and the Ministers do not "run about". I think if he had put this question in a better way I would have been able to answer him. The Ministers do not "run about".

Mr. arap Moi: Mr. Speaker, Sir, is the Minister aware that what appear on the notice boards of the Ministry of Information are only pictures of the Ministers and the tours of the Ministers, and so on, and nothing is covered as far as the regional or county councils are concerned?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, that is not true because our Ministry is trying to cover all the activities of the Government and of the Regional Assembly, and the reason why the Ministers and the Regional Members appear on these photographs is that we want to show the people their leaders, and the Ministers and Regional Members are the leaders of the country.

Mr. Mutiso: Mr. Speaker, would the Minister tell us the reasons why he considers erecting one office at Eldoret and not at Kitale as the question suggests?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, that is just a matter of choice because the whole region can easily be covered from Eldoret.

Mr. Masinde: Mr. Speaker, Sir, would the Minister tell the House why, since Kitale is in one of the richest and most productive districts in Kenya, it does not deserve the same publicity as any other place?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, from Kitale to Eldoret is about forty miles and the officer stationed at Eldoret can easily go about and do his duties to cover the area. Therefore, there is no question of any difficulties which may be experienced when the office is opened.

Mr. Masinde: Mr. Speaker, Sir, is the Minister aware that when the office is opened at Kitale, as the question stands, it will be meant to serve the West Pokot and Turkana, Kitale being the biggest and immediate township for all those areas?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): When the House approves the next Budget, and the office is opened at Eldoret, the officers will be able to cover the whole of that area.

Mr. Lorema: Mr. Speaker, Sir, is the Minister aware that the two reporters in Kitale are farmers and as such they should get a professional person to do the job?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, although I am not aware of this, I would like to explain one thing which probably the hon. Member does not know, and that is, that the two reporters are not Government employees, they may be free-lance or reporters employed by a newspaper organization in Nairobi.

Mr. Kamau: Could I have your direction, Mr. Speaker, Sir, on whether, as the heading of these questions is Wednesday, 4th March 1963, we are talking of 1963 or 1964 matters?

The Speaker (Mr. Slade): I do not suppose that Mr. Kamau really wants me to answer that question, but we will go on to the next question.

Mr. Ngei: Mr. Speaker, on a point of information—

The Speaker (Mr. Slade): No, Mr. Ngei, we do not have points of information.

Mr. Ngei: Then on a point of order, I would like your guidance on one or two things. We have a degree of ages here and, Mr. Speaker, Sir, some of us are a little older than the others and the degree of briskness is not the same. It is very difficult, therefore, the degree of briskness not being the same, to catch the Speaker's eye because on this side some of us cannot stand up as fast as some of the Members who are much younger than ourselves. Mr. Speaker, would you consider the people who are sitting on this side?

The Speaker (Mr. Slade): Order, order, I try to consider every hon. Member, and I think everyone gets a fair share.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): It is weight and not age!

Question No. 88

PROTECTION OF TURKANA TRIBESMEN

Mr. Ekitella asked the Minister of State, Prime Minister's Office, in view of the constant raids in Turkana by the neighbouring Karamoja, Dodoso, Topoltha and Merille tribes, what security measures the Government were taking to provide sufficient protection to the Turkana tribesmen?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, on behalf of the Minister of State, Prime Minister's Office, I beg to reply. The Government has taken what it considers sufficient measures to control the border raids across the frontier into Kenya in Turkana country. There are at present 303 Kenya Police and 150 Tribal Police deployed throughout the Turkana Division to apprehend offenders and maintain close liaison between the Uganda and Ethiopian Police.

Mr. Masinder: On a point of order, Mr. Speaker, would we have your ruling on this. In the first place, the hon. Parliamentary Secretary answered a question and was dismissed by Government, by one of the Ministers, as not having answered for the Government. Could we get an assurance from the Government that today he is answering the question for the Government?

The Speaker (Mr. Slade): It is very wrong to interrupt an hon. Member in the middle of his answer to put a point of order of that kind. In any case, that particular point of order has been raised earlier this afternoon and I have answered it and I am not going to answer again.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, may I stick to my official brief and continue. It should be realized that the border concerned is an extensive one and the country itself is rugged, arid and difficult and, in these circumstances, it is extremely difficult to stamp out the border raids completely. There is, however, close co-operation between the Kenya Police and the Uganda Police and every effort is made to reduce the raids to the minimum.

Active police patrolling, in conjunction with the Uganda and Ethiopian Police continues. The General Service Unit and aircraft are available on call as required.

Mr. Araman: Mr. Speaker, Sir, is the Parliamentary Secretary aware that if the Government gives the Turkana their own Home Guard to guard their own *manyattas* it will be less

expensive than maintaining these military units and units of police in this exercise?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, we have never had an exercise on the cost of an exercise such as this kind. In any case we think that the police are doing their job very well.

Mr. Ekitella: Mr. Speaker, Sir, these things have been happening for so many years and I would like the Parliamentary Secretary to do something. Since 1948 these people have been dying—

The Speaker (Mr. Slade): Mr. Ekitella, you must ask a question.

Mr. Ekitella: The question is this Mr. Speaker, Sir, I would like the Parliamentary Secretary to do what he can for the protection of our own people.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I gather that the Member is saying that the Government should do what it can to protect our own people. I completely agree and that is exactly what I have been trying to say in the reply.

Mr. Ngei: Mr. Speaker, I would like the Parliamentary Secretary to tell us whether he bases the security measures on the number of police or military he has in the area, or on an operational point of view, in conjunction with the geographical factors of the area?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, in answer to that involved question, I would say that the police know best how to patrol an area, taking into account all the factors involved.

An hon. Member: We would like to know from the Parliamentary Secretary whether he is considering arming the Turkanas or giving them weapons to defend themselves so that enemies would not be able to attack them all the time and kill them?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): No, Sir.

Mr. Kamunde: Mr. Speaker, Sir, I would like to know from the Parliamentary Secretary whether the Government is satisfied that the co-operation it gets from the police from Uganda is sufficient to assure Government that there is no manoeuvre through the police and the tribes in raids on the Turkana people?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, the Government is satisfied that the Uganda and Ethiopian police are co-operating with us satisfactorily.

Mr. arap Moi: Mr. Speaker, Sir, in view of the fact that Kenya, Uganda, Tanganyika, the Sudan and Ethiopia are independent sovereign States, would the Government consider discussing with the Heads of these States to see what effective measures could be used to create a peaceful atmosphere in these areas?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, for the information of the House, the Government has in fact had discussions with all these Governments he has mentioned, and we are satisfied with the results.

Mr. Ngala: Mr. Speaker, Sir, in view of the fact that the Parliamentary Secretary has agreed with the House that the Government has failed to protect these people effectively, can he give us reasons as to why he is refusing or denying self-protection to the Turkana?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I do not agree that we are not protecting these people effectively.

Mr. Shikuku: Is the Parliamentary Secretary aware of the fact that he told us that the guarding or rather protecting of these people was a little difficult due to the arid terrain and long distances to be covered? If so, does he not agree with the question by the Leader of the Opposition?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, the answer to that question is that I made it quite clear that this was a difficult problem, but that we were doing everything possible to protect the Turkana in this area.

Mr. Mutiso: Mr. Speaker, Sir, in view of the fact that the views expressed by many Members in this House on this question have drawn us to the conclusion that the Government is not providing enough or adequate protection to these people, would the Parliamentary Secretary assure this House that he is taking this matter up with the Minister concerned with a view to increasing security forces in this area?

The Parliamentary Secretary for Internal Security and Defence (Mr. Waiyaki): I have already said, Mr. Speaker, that the General Service Unit and aircraft and any other police personnel that could be required, are always

available and at the ready when called upon to go there, but they cannot just sit there when there are no raids going on.

Mr. Agaz: Mr. Speaker, Sir, in view of the fact that the tribes which attack from the Sudan and Ethiopia are armed, and the Turkana have been disarmed by our Government, rendering them helpless, would the Government consider a fairer way of protecting the Turkana, by arming them, for instance?

The Speaker (Mr. Slade): Order, order, we have had the answer to that question and when we get to repetition of supplementary questions we move on.

NOTICE OF THE MOTION ON THE ADJOURNMENT

POLICE PETROL SHORTAGE, WESTERN REGION

The Speaker (Mr. Slade): Now, I have to remind hon. Members that, on the adjournment today, Mr. Makokha is to raise the question of the inadequate supply of petrol to certain police stations in the Western Region.

CONSIDERED RULING

ACCURATE REPORTING OF PROCEEDINGS IN PARLIAMENT

Mr. Masinder: May I raise a point of order, Mr. Speaker. I would like to get your ruling on this. Here we have pressmen who come to report exactly the proceedings of the House, but in today's paper, the *Taifa Leo*, it is reported that the Minister for Lands and Settlement replied to all our questions which were raised yesterday. Yet on the day he was absent and his Parliamentary Secretary was the one who replied. Now, what is our position when the pressmen do not report exactly what happens here?

The Speaker (Mr. Slade): All newspapers are aware that the privilege of attending this House and reporting our proceedings is dependent on accurate reporting, and it will be taken away if it is abused. It is, however, inevitable that in reporting there can sometimes be mistakes, and in such cases the only remedy is to ask the newspapers to publish a correction, which I know all responsible newspapers will do. In this particular case, no doubt they will have noted the correction now and make publication accordingly. On other occasions it depends on the nature of the error. If it is something which concerns one Member only, it is up to him to ask the newspaper concerned for correction. If it is a matter affecting the House as a whole, then I or the Clerk will make representations to the newspaper concerned.

Mr. Lorema: On a point of order, Mr. Speaker, may I know whether the whole House or certain persons in this House can make representations?

The Speaker (Mr. Slade): I cannot answer that question, I am afraid.

Mr. Shikuku: I was only seeking your guidance Mr. Speaker, as to whether you were only referring to the newspapers and excluding the K.B.C.?

The Speaker (Mr. Slade) No, what I said included the K.B.C.

BILL

Second Reading

THE PYRETHRUM BILL

(Resumption of Debate interrupted on 3rd March 1964)

Mr. arap Moi: Mr. Speaker, Sir, when the House rose last night, I had four minutes left, and therefore I should like to sum up on what I said yesterday. Mitchell Cotts offers higher and better prices to pyrethrum growers in Tanganyika, it might be a useful thing for the Kenya Government to co-operate with Mitchell Cotts together with the Pyrethrum Board to see what is the best way of improving prices offered to the pyrethrum growers in this country. This is a very important matter which will be the deciding factor, whether pyrethrum as one of the cash crops is going to progress properly in future or not. Further, I should like the Minister for Tourism, who should be busy improving tourism in this country, to impress upon the various shopkeepers to use spray extracted from pyrethrum so as to eliminate flies. This will impress the tourists from overseas when they visit this country, and it is one of the things which many countries in the world are taking great care. As it is known that Kenya is one of the best countries for producing pyrethrum, apart from Japan, it could be put on the world map. Therefore, the joint efforts of the Ministers for Tourism, the Minister for Agriculture, and the Minister for Settlement working together should see that pyrethrum sales are improved tremendously.

The last thing I want to mention is the fact that this being one of the best cash crops, the Minister should go ahead and produce a better method for organizing the marketing of the crop, Mr. Speaker, Sir, having raised several points yesterday on this matter, I support the Bill, provided that the Minister will consider those points which I raised in this Bill which would help African growers tremendously.

Mr. Speaker, Sir, I beg to support.

Mr. J. M. Kariuki: Mr. Speaker, I rise to support the Minister in the way he presented this Bill to the House. The Minister mentioned yesterday that there are some areas which did not fulfil their quota last year. It is on this point that I would like to reply to the Minister with regard to some of the points he made. Firstly, I would like to make it clear that the changing of plans from the former European farms when they are taken over by the settlement schemes is one problem confronting the new farmers. When they are taken over, the farmers themselves who are given those small farms do uproot some of the pyrethrum so as to plant edible crops. That is one of the problems.

Sir, when the above-mentioned have been taken over by the Settlement Board, they have to be subdivided to allow many people to settle on each farm, so if a European had 20,800 lbs. of pyrethrum, his quota is subdivided among so many Africans, and they can also come down and divide the same quota, and some of them uproot the pyrethrum to plant either maize or potatoes. That is another problem which confronts the African growers in settlement areas. Another point, Sir, is the lamentable ignorance of most of the farmers who are the victims of agitation from some of the politicians, including the Members who keep on saying that pyrethrum is not food and cannot be eaten. It is high time that we told our people that if they grow pyrethrum they can sell it and get what they want to buy, Sir, in a district like Nyandarua where most of the pyrethrum has been grown in the past years, this year I do not consider that many people will be able to supply pyrethrum to the Board. The reason is that the farms which were taken over by the Settlement Board or are about to be taken over by the Settlement Board, has been employing people to look after the pyrethrum, but the pyrethrum in those areas has been forgotten, due to the dismissal of so many labourers. That is the point I would like him to consider with his colleagues in the Cabinet. The problem should not rest on the shoulders of the people themselves. These farms must be put to proper use. Either we should tell the European farmers who were there before, to go ahead, and clean the pyrethrum, and as soon as a farm is taken over, then he will hand over the pyrethrum to the new owner rather than leave the pyrethrum forgotten and uncleared. These people are often given the information that these farms will be taken over as soon as possible, and that is another problem. The people concerned should not be blamed. The one to be blamed is the Ministry itself, which deals with the allocation of land in places like Nyandarua.

[Mr. J. M. Kariuki]

I am only trying to reply to what was said yesterday that some places in such an area as Nyandarua cannot fulfil their quota. It is true, that these farms cannot grow pyrethrum whereas the new farms have no adequate acreage to plant pyrethrum when it is cleared. That is one of the problems which is preventing people in some areas from growing much pyrethrum. If any of the Government Ministers would like to come and see this in my area he can do so, because at some of the European farms which are due to be taken over in July or August of this year, there is plenty of pyrethrum left neglected, and I would like any of the Government Ministers to accompany me to my area and he will see it for himself. This is the problem, where you see that in some areas pyrethrum is not available, not because of the laziness of people themselves, but because of the Settlement Schemes, and some people who are spreading rumours that pyrethrum is not an edible crop. In view of the above points, Sir, I would like the Government to arrange to take over farms immediately so as to allow the ingoing co-operative farmers to occupy the farms completely intact. The Minister should also try to tell the farmers, and in this respect I mean the Minister of Agriculture, that pyrethrum is not paid by the lb that each farmer sells to the Pyrethrum Board, but according to the pyrethrin content of whatever pyrethrum you sell. It is in the power of the Minister of Agriculture to inform his officers in the field to explain this to the people with our co-operation. In this way, people will understand that it is not by the poundage that one sells to the Pyrethrum Board, but according to the pyrethrin content of the pyrethrum flower. It is the Ministry which ought to do these things. In that way, Sir, we shall eradicate completely the agitation which is being spread about at the moment. If a person sends the Pyrethrum Board 2,000 lbs., and another person sends 1,500 lbs., it may be that the person who sent 1,500 will be paid better than the person who sent 2,000 lbs. It is not because his pyrethrin content was better than the one who sent 2,000 lbs. This is something else about which our people should be informed.

The other point, Sir, which I would like to mention is the management of the Pyrethrum Board. Many people thought that it was not properly reconstituted. I give credit to the Minister for organizing this board immediately, but I would like to make it clear that it is not only important to have many black faces in the board.

What I would like to have is many people who are in the Board, and many Africans to contribute

to it. Otherwise, we will still have an African Board which does not get anything in the end. I will give an example of a European who may have a quota of pyrethrum of up to 24,000 lbs., and an African who only has a quota of 5,000 or 10,000 lbs. Even if the European is represented at the Pyrethrum Board, he will still get more in the end. It does not matter how many times the African person has been representing him in the board, so it is not only important that we have many Africans on the board, but that we see the people produce enough for this board.

Another point I would like to mention is that I do not consider that the Pyrethrum Board is so rich—and the Minister mentioned this yesterday—that it should have such wonderful offices such as those they have in Nakuru. Those offices are better than some of the Shell Company offices in England and New York. This is something I would like you to consider. As I informed them, they should be contented with a better office, not necessarily a very big and spacious office.

Another point I would like to make is the Regional representation to this board. I do not approve of this, Sir. It may be that I am wrong in this. But I would like to give my reasons. I do not see the reason why another person who comes from the Coast where they have coconuts and mangoes should be on the Pyrethrum Board, when they do not grow pyrethrum in their areas. I do not see the reason why a person from Nyandarua should attend a coconut meeting at the Coast.

With these few remarks, I beg to support the Bill wholeheartedly and I hope the Minister will consider my points.

Mr. ole Tpis: Mr. Speaker, Sir, as usual I intend to be very short and brief. First of all, I think the Minister was clever in the way he introduced this Bill to the House with such sweet words, trying to convince us, and I believe to a certain extent he has succeeded in this respect. My hon. friend from Nyandarua must be very misinformed. They grow pyrethrum in the Coast Region in such places as Teita. If he doubts, he can go and check his records and then he will satisfy himself rather than try to mislead the House. I think we, as one of the producing countries in the world of this important crop known as pyrethrum, have to be very careful, not only in its production but also in trying to explore the world market for one of our main cash crops. I would have liked to hear the Minister giving us the figures in pounds or tonnage of how much of Kenya's pyrethrum is exported to both East and West power blocs because we must get away

[Mr. ole Tips]

from that old legacy of the past, that everything West is Angel and everything East is Devil.

What we are interested in is to find a market for our country's produce to raise the economy of this country, and whoever can pay us the money without any strings at all, without any sort of indoctrination, then the money is money and we are merely interested in the money market. I thought the Minister yesterday tried to shake his head when one of the hon. Members queried the amount or the quantity grown by the African farmers, compared with that grown by the European. Admittedly, things have moved at a faster pace than hitherto, and of course we give the Minister all the credit for it. I think there is plenty of room for improvement. If a given area fails to fulfil its quota allocation, then for goodness sake let that allocation be transferred to those people who are capable of producing it without the Minister telling us that he intends to consider the situation. We do not want consideration, we want action, and I hope he is listening.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): That is what I said I was going to do.

Mr. ole Tips: Mr. Speaker, I am glad to hear from the Minister that that is what he said he was going to do. If I misunderstood him, then I apologize.

The other point is the quality. We do not grow the same varieties or the same qualities of pyrethrum throughout the country. There are some areas which have the best quality, and if he does not know those areas, I will tell him to go up to Mau Narok, to go to Enabelibel and other parts of the Masai on the Mau, and see those beautiful flourishing flowers which are healthier than some that you grow in the lower parts of the Rift Valley.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I thank the hon. Member for giving way. What I would like to say to him—and this is in all earnestness and genuine—that if he would be prepared on his behalf to tell me that he could get some of his own people up there to grow pyrethrum, I will guarantee that I will give him a good quota to grow.

Mr. ole Tips: I thank the Minister wholeheartedly, and of course I can assure him that I will have no difficulty in getting the growers to increase their acreage. This is in places like Nairingare, Enabelibel and the Purko Sheep Ranch. We want the quota and I will give it to

you, and we will see that we increase it. Mr. Speaker, in this respect as I said earlier, we really want to explore more overseas markets.

Turning to the point of research, on the insecticide and the products from this pyrethrum, what we need is a United Nations Organization of experts, and research workers to explore the avenues where these crops could be usefully used. If we could use our influence, not only here, but also abroad and leave no stone unturned to find out in what fields this pyrethrum can be used, Kenya would be very grateful and richer.

About these nominations—and he says that we have nothing to worry about, because the Pyrethrum Board is mainly controlled by the majority of producers, so we have no quarrel with that, and of course as far as members who represent the various regions are concerned I think we are capable of selecting and nominating those people who have got something to contribute to this intricate body, which is essential for the crop in this country. The question of these nominated members—I can only believe and I hope he meant what he said, that these nominated members will be there in their official capacity simply as advisors and not as steam rollers. On the Board their advice will be very useful, but it will be too bad for them, if they are dictated to by the Minister who might say "well gentlemen I sent my nominated members there and you refused their advice so I have nothing to do with you." We do not want that kind of thing. These members of the Board are capable of judging for themselves what is good for this vital industry of our country, and I hope they will not be used in the role of stooges to echo their master's voice. Sir, on this point, I think we have our pyrethrum which I said earlier is one of our main cash crops, and I do not think anybody can underestimate the efficiency of the Minister, when he means business. I hope in his case he means business and there is no need to doubt his sincerity and let him use his broad shoulders to push things, not to consider things.

With these few words Mr. Speaker, I beg to support.

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, I rise to support the Bill, first because pyrethrum is one of the very vital cash crops in our economy. Secondly I feel that the time for reorganizing the production and marketing of pyrethrum is overdue. Some time back I visited the Pyrethrum Board offices in Nakuru, and I was told that there were huge stocks of pyrethrum lying idle and that something had gone wrong

[The Parliamentary Secretary for Labour and Social Services]

with the Pyrethrum Board, and further that the world market of pyrethrum was contracting. I was told that there was a threat of competition from synthetic insecticides being manufactured in some of the industrialized countries, and that some growers in Latin America were beginning to threaten our world market for pyrethrum. Sir, I say that the need to reorganize the production of pyrethrum and also to reorganize the marketing of this cash crop is overdue, and I would like to thank the Minister for introducing this Bill, which I think will rationalize the production of pyrethrum and also the marketing. The marketing of cash crops in this country has not been organized along the proven lines which have proved successful in some of the African countries. In countries like Nigeria and Ghana, they have marketing boards, which look after the marketing of cash crops on which the economies of those countries depend. I would like to see the production and marketing of our cash crops organized along the same lines.

In Ghana, for example, we have the Cocoa Marketing Board which is based on the principle that the price paid to the producers should always keep rising, even if the prices of these commodities in the world market keep going up and down. I would like to see the same principle implemented here, so that we do not need to subsidize them and so that the producers of pyrethrum are protected from the price fluctuations of the world market. Then, we will be assured that when bad times come and the price of pyrethrum on the world market goes down, the producers can still be protected and will keep on enjoying a rising income.

On the matter of marketing of pyrethrum, I hope the new Board that we are going to create by this Bill will promote a very active drive to expand the market of pyrethrum in the world. Obviously we cannot stop the Americans or the British, the French and the other industrial countries from manufacturing synthetic insecticides. I think we can rationalize things so that we can compete with these people, at least in the price of insecticides. I also think we can persuade our African countries so that we market most of our pyrethrum here. After all, it is in the African countries where a lot of insecticides are needed for eradicating mosquitoes and tsetse fly, and I do not see why we should allow, for example Tanganyika, and import synthetic insecticides while our stocks of pyrethrum are lying idle.

Also, Sir, I would like to see the Pyrethrum Board of Kenya work out some arrangements

with the World Health Organization, so that when the World Health Organization goes into one of the African countries, say, to eradicate mosquitoes or tsetse fly, they use our pyrethrum, because I think it is one of the most effective insecticides we have.

With regard to research, Sir, I would like to see our Pyrethrum Board doing more. I think there are many possibilities for pyrethrum as an insecticide which have not been explored. More foresight and more concentration on research will yield a lot, not only by improving the quality of our exports, but also by widening the range of the use of pyrethrum.

Sir, I think production should also be taken care of. We do not want to overproduce; at the same time, we want to keep our stocks rising, we want to keep our production of pyrethrum rising, so that some of the producers in Latin American countries do not outstrip us.

The Bill under discussions was designed mainly to achieve some of these ends, and for this reason I support it.

Mr. Omweri: The Bill itself is quite detailed and I would like to support it. However, I would like to say a few things about which the Minister touched on yesterday. I would like him to take them into consideration when he comes to reply.

Here now we find a situation whereby at times certain growers are left with a quota which is stagnant. As previous speakers have indicated, we should have an increase over the previous year. We find in Kisii in particular that the quota which was put there in 1961 still exists up to this time, and the people there are not happy growing pyrethrum because there is no room for them to widen their *shambas*. In 1961, the quota was exceeded; we had overproduction. This brought a lot of discouragement, and people thought that probably pyrethrum had no market because they could not sell all they produced. Yesterday, the Minister told this House that Kisii did very well in producing their quota, but I would like to assure him that this was easily reached because the quota in that particular area is very low. We would like an increase on the previous quota we were given so that the people can exercise the potentiality which is there. I think the growers would be quite happy and they could utilize their energies and produce more pyrethrum.

Another point in this particular area, Kisii, has very good pyrethrum, and we should not leave a potential area lying idle without using it.

Mr. Speaker, Sir, with regard to the new Board, there are a few comments I would like to make. Although I support the Bill, one point I

[Mr. Omeri]

do not agree with is the duplication of work. We have a Pyrethrum Board and a Marketing Board. Personally, I feel that since our growers have very high cesses and levies, we would like only one board to deal with this particular crop, because when you look at clause 6 you find that the functions of the Pyrethrum Board are just the same as the functions of the Marketing Board in clause 10. I think one board should be able to deal with the crop, rather than there being a duplication with these two Boards, one probably dealing with a very little work and the other with things which are worthwhile. I would suggest to the Minister—and I hope he agrees with me—that these should be amalgamated and there should be only one Board instituted to run this industry.

Something else which I do not feel is very good concerns the appointment of Board members. Here the Minister says that he will nominate or appoint the chairman. At the same time, he will appoint other members. I feel that, for example, in clause 4 (2) (c) where it says that six persons appointed by the Minister, further down it says that the Minister will also appoint other members who possess qualities likely to be of benefit to the Board. Further down, it says that the Director of Agriculture will be there; still further, it says that the Director of Veterinary Services will be included. All these, and even the chairman of the Marketing Board is appointed by the Minister. If we are to encourage the growers to feel that the Board is serving their interests, we should leave the appointment of the Board members to be elected by the growers of pyrethrum, say, their unions and other organizations or societies which run the production in the districts.

When the Ministers, in this case, the Minister for Agriculture, is appointing the members of the Board, it will give a feeling that probably those people are not really serving the interest of the growers. I would suggest to the Minister that he leaves the growers to select their own board, and then allows those members to serve in the interests of the growers.

A point was raised earlier in this House, Mr. Speaker, concerning Regions being given consideration. We are not opposed to this because it is connected with Regionalism, but we are opposed to this idea because there will not be any need to have a member from an area where there is no pyrethrum. For example, if the Department of Agriculture decided that there was a possibility of growing pyrethrum in the North-Eastern Region, well and good; let them introduce the

pyrethrum there first, and then we can have the representative from there. But to bring a representative to sit on the Board, when the allowances he gets comes from the Kisii growers, that is not quite fair, we feel. If there is anything like this which the Minister wants to do, first let the Ministry introduce pyrethrum all over the country and then the representatives will come from all over the country.

There was a point also which I would like the Minister to note—I have already made mention of it—and this concerns cesses and levies. We find that there are many cesses and these make the growers feel rather discouraged and that the larger share is taken by the organization, for its administration, and that they get very little. We would like the Minister, when approving these levies or cesses, to look into it, to see that the growers are the people who benefit, not the Administration alone. With reference to that, in other cash crops there is a county council, a Government cess, a board cess, and also union cesses. All these are given by the growers. If you imagine all these cesses being given, what does the grower receive? It is very little, and in the end it will discourage the production of this particular crop. When the Minister allows these levies and cesses to be introduced, he should look into it. The growers should be the people to benefit, and not make them discouraged and feel that they are working at a loss. If they do they will lose interest and this will cause the industry to collapse.

With those few remarks, Mr. Speaker, I hope the Minister when he replies will take into account these points and assure the House he will look into these points, I beg to support.

Mr. Masinde: Mr. Speaker, Sir, I rise to congratulate the Minister as this is the first time the Government has taken steps to stabilize the economy of this country, particularly to enable Africans to control and make use of the cash crops in the country, pyrethrum being one of them.

Mr. Speaker, I would like to make a few observations. One which I want to make clear to this House concerns the control of the growers, and the areas in which the pyrethrum should be grown. In the past it was the Europeans only who knew which type of crop brought in more money, and they were the people controlling all these boards. For that reason, they allocated all the cash crops to the settled areas. However, today, Sir, I have said that I congratulate the Minister because he is trying to lift these bans which have existed for many years and which have made some people richer than others, but

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with these statutory boards it is quite clear. One hon. Member has suggested that this is trying to oppose what is laid down in the Constitution, but this is strictly untrue and it is contrary to what was happening in the past, when the European had the privilege of making use of these boards. If we allow this to continue, it will mean that pyrethrum will only be grown in the Central Region and Kisii, but the case is not—

I have been there because it happens to be a central area. What we want to say is that there is no more suitable climate in Kenya for this than Mount Elgon slopes, and this is the area which has—

Hon. Members: Tribalism.

Mr. Masinde: Mr. Speaker, Sir, when you say the truth in this House, people call it tribalism. It is tribalistic that Kisii and probably Kikuyu, were given the whole quota of 400,000 tons. This is what we want to stop through these boards. What I want to put across is that all the six members will now make use of this Board. They will contribute and advise the research department attached to this Board, so that they explore areas which can grow pyrethrum, but which have not been growing it.

The hon. Members opposite are pressing that they should use the whole quota of pyrethrum, yet we have been told that their constituents are not doing their best. Let us give this quota to other areas instead of insisting on these people, who do not want to grow pyrethrum, doing so. We are the people who can contribute, if they are not contributing. Why should we insist that the people in Nyanjarua should grow pyrethrum when they are not doing well?

Mr. Speaker, Sir, here is a case which has been brought to the House, and it is very clear that we must pass it when we know what we are doing. The Minister must assure the House that he is going to use all his means to explore some of the areas which have been prevented from growing pyrethrum because the previous Government wanted only Europeans to grow it for their own benefit.

There are a few things I want to put across to the Minister. Here we have a Board, and I think there are problems which we must make clear in this regard before we allow the Bill to be passed. One is the composition of the Board. The Minister was trying to ask this House to approve that backbenchers, obviously Kuru Members, should also sit on this Board. He asked us to allow him to

increase by two members, making it fourteen, plus the nominees, which makes eighteen.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, I thank the hon. Member for giving way. I just want to correct one point, where he is obviously under a misapprehension as to what I said yesterday. What I said was that I had been asked by the backbenchers to increase the representation of the growers who will be elected themselves. This is under clause 4 (c). That is increased from six to eight. They cannot possibly be backbenchers because they come from the co-operative societies as members. They have asked me to increase it from six to eight. What I did say was that one of the four people I am going to put on will be a backbencher, so that there will be somebody in this House who can answer, other than the Minister, on what the Board is doing.

Mr. Masinde: I am glad I have not understood that clearly. I am sorry I misinterpreted it. What I was trying to get at was that when we increase the number of representatives, we are not doing any good for the ordinary growers. What we want in this country is for the people to be able to earn some more money and for the farmer himself to be able to earn some money. However, if we have a few people sitting in a very big office, trying to increase their incomes, and so on, they are not doing any good for the growers. What we want is a Board which will consist of members from all regions who will contribute to what is needed, to the fair running of the Board. We want experts, not four, as the Minister put it, but only two because they could do that, and we want a Board consisting of eight or nine people. They can finish the job. The people we nominate or elect to sit on the Board we shall have confidence in, and we know that they will do their best on that Board. It does not mean that by increasing the number of people on the Board, they will contribute more. A lot of money is going on the administration of these statutory boards. Some hon. Members, who have spoken before me, have asked why it is that Mitchell Cotis is paying more to the Tanganyika growers than our Pyrethrum Board is paying to the growers in Kenya. This is the reason: it is because we have big offices with many staff. Some of them are doing nothing. What we want, when we think of the economy of this country, is not to look at the establishment of people employed, but to look at the people who make up the populace of this country. These are the people who farm.

Mr. Speaker, Sir, I wanted to point out something concerning the question of quotas. I have

[Mr. Masinde] already asked the Minister to explore this question. I want him to see what the areas are in Kenya which can qualify to grow pyrethrum. After telling us this, we should allocate quotas in Kenya to every region, because if it is qualified to grow there, the N.F.D. must have a quota; if somewhere else is qualified to grow, the same must apply. We have a case, if I may be allowed to quote one of the anomalies which has been in existence for many years, in Kakamega, that is the only area which has a high percentage of rainfall in Kenya. They refused to allow it to grow tea, just because a few individuals served on the Tea Board, they wanted it grown only in a Scheduled Area, in Kericho, because they were *Musungu*. That time has gone. We would be doing no good in this country if we only looked at one place. I say this, with all sincerity, Sir: the reason why people keep on shouting tribalism in this country is because if you look at one place where we have inherited the previous mistakes which were made by the former Government, then we shall get nowhere. Some of you will continue to shout about tribalism, because the present Ministers have not opened their eyes, and if they do so they will lift this ban. In the past, Sir, the previous Nyanza Province, and at present the Nyanza Region and Western Region, were areas which were regarded as places which contained the labour force. All Europeans, all farms, got their labour force from that area. They would not allow them to grow coffee, to grow tea, to grow pyrethrum, to grow sisal, because if they grew these cash crops, then they would not go out and work. That is not what we want. What we want is a good number of our people to remain at home and contribute to the economy of this country. If we say that we know a Kikuyu or a Kisii will not employ an Abaluhya, even if he is given a chance to grow 100,000 tons, we are wrong.

An hon. Member: Can you substantiate that?

Mr. Masinde: Mr. Speaker, I am being asked to substantiate that. He will have 4,000 trees of coffee. How many have you got?

The Speaker (Mr. Slade): Order, order. Mr. Masinde, you know you have to address the Chair. You are not allowed to address questions to hon. Members. Will you just keep a little calmer?

Mr. Masinde: Thank you very much, Mr. Speaker. I was trying to point out to the Minister that the world quota we have in Kenya should be allocated to the regions. According to the Minister's speech yesterday, he said that we have

400,000 tons. I feel that it should be decided—very wisely—that these will extend to all regions which can grow pyrethrum. They are the Western Region, Nyanza Region, and Kisii for that matter, the Rift Valley and Eastern and possibly Central. In those areas they have all the qualities. Unless the Minister does this, then he will be encouraging tribalism. I am afraid the Minister is not a Kikuyu, but possibly he has a Kikuyu labour force, and he is being threatened perhaps. Consequently, he wants to please them, and that is why he sends everything to that area.

The Speaker (Mr. Slade): Mr. Masinde, you should leave this point about quotas now, because you have made it several times over.

Mr. Masinde: Mr. Speaker, I want to deal with something new here which concerns the question of the application of controls to growers.

Mr. Speaker, Sir, some of us must know where we are coming from. We come from areas where we have a population, the majority of which cannot read and write. This is our problem. It is only for a few of us who can read and write. But, most of the people in this country whom we employ do not know how to go about this, they cannot even afford to go to the law courts for their applications if they have been refused. What I would like the Minister to consider is to set up machinery in his Ministry and say that this land can qualify for one, two, three or four types of crops, and tell the Members who represent that area whether they are willing to grow these type of crops or not, and ask the people if they are willing to grow these types of crops, because the soil was qualified for this particular type.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. De Souza) took the Chair]

If possible it is for the Minister to explain. Mr. Deputy Speaker, the problem here and I want to mention it today, because we are trying to pass a Bill which effects the most important Ministry in Kenya. The Ministry of Agriculture is actually the heart or the engine of Kenya. Unless we get these things correctly, Kenya is finished and that is why I want to base my speech on each of the Bills which will be coming up through the Minister of Agriculture.

Mr. Deputy Speaker, Sir, I am trying to handle the question of applications. Today, there are regional government agents and today agricultural officers or county agricultural officers. I can assure you that these people cannot do anything in our constituencies, unless a member is there

[Mr. Masinde] and says "what you have been told is right". They cannot push any legislation through, and I challenge any Minister to go to his representative in the remote areas without consulting the Members in this House, because, if they want co-operation, they must go to the Elected Member for the area first.

An hon. Member: You are mad!

Mr. Masinde: You are mad!

Mr. Kull: On a point of order, is a Member justified in calling another Member mad?

The Deputy Speaker (Mr. De Souza): No, I am afraid not, if he said it he must withdraw.

Mr. Masinde: I am sorry, I will withdraw it. Some of the hon. Members here were accusing me of being mad.

Mr. Shikuku: On a point of order, Sir, did the hon. Member refer to anybody here, I did not hear it.

The Deputy Speaker (Mr. De Souza): Yes, he did.

Mr. Masinde: Mr. Deputy Speaker, Sir, what I am trying to put across is this, anyone who tries to deceive this House is deceiving himself and he does not know what he is doing. These type of people who would pursue an issue, or who could convey messages to the people. But today the case is different, it is for the Constitution to be in the hands of whoever is in charge of any department, in that area. The Minister should convey the message to the Members of that area and talk to the people so that they understand what is going on and he should talk to some of the hon. Member here, in particular the hon. Member for Nyando; he has to go back and tell his people to fulfil their quota. He also referred to hon. Members from Kisii that they have to go back and tell their people to fulfil their quota. What I would like to say is this—

Mr. Anyieni: On a point of order, Sir, did the Minister yesterday tell any Member to go to Kisii and grow pyrethrum or did he say we have done our job and have grown our quota?

The Deputy Speaker (Mr. De Souza): That is up to the Minister, I did not hear him yesterday.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): I am afraid, the hon. Member is misquoting me on Kisii, what I say was that Kisii was one of the areas who had fulfilled their quota, and that with extra quota

available these should be the people who should get preferential treatment in increasing their quota. I was then asked to name other areas and I did so.

The Deputy Speaker (Mr. De Souza): I hope you will accept that, Mr. Masinde?

Mr. Masinde: What I said in this case, I am trying to put it across for the observation of the Minister, because it is very important as we have had this material for quite a long time. Nobody in this House can say let us wait, we have been waiting for fifty years and our people have suffered through that time of waiting and this is the time we should press forward, the Minister should do his best and justify every area. Mr. Deputy Speaker, Sir, I was going to explain how the Minister will go about—

An hon. Member: On a point of order, Sir, is it in order, has the hon. Member not taken too long a time to speak?

The Deputy Speaker (Mr. De Souza): No, I do not think that is a point of order. When his time has expired he will be given due notice.

Mr. Masinde: Thank you, Mr. Deputy Speaker, we are speaking on a Bill and there is no time limit. The other thing I wanted to mention is—

An hon. Member: You are exhausted.

Mr. Masinde: I am not, I am treating these things as they come, Mr. Deputy Speaker. A point I wanted to mention is something which has been spoken about, but I want to emphasize it. It is the case of the Marketing Board and the Pyrethrum Board. It is unwise to deceive ourselves here into thinking that you can have a Marketing Board. We have suffered through some of these things, where people have been asked to grow a certain type of crop. There is no indication whatsoever how we are going to market these crops. There is, Sir, with the Marketing Organization an hon. Member in this House who is trying to mislead the future planning for economy in this country, because without proper planning, the Marketing Organization in this country, whatever we grow, will not work. What I want to put across clearly is that there is great need to have an overall organization which can control two departments, that is the Marketing Board and the Pyrethrum Board. We should have one organization, encompassing both in one. This is the case I want the Minister to answer, if he has the answer. If he does not have the answer he must look into this, and see that we have only one office. There should be two offices, one to explore growing by research in

[Mr. Masinde] Kenya, and one for marketing, and if he does that then we shall be all right. In finishing, Sir, I want to emphasize this case, the Western Region has all the facilities, Kakamega, Kakamega Forest, Nandi Hills, Mount Elgon. All these are the actual potential areas for pyrethrum in Kenya, and he has to tell us today, that he is doing his best to see that pyrethrum is extended to the Western Region and particularly the areas I have mentioned. I am convinced that these areas can grow pyrethrum.

Mr. Deputy Speaker, Sir, I support the Bill.

Mr. Anyieni: Mr. Deputy Speaker, Sir, there are a few things which have been mentioned that I will not repeat here, but with regard to the change of price, the other day when we went to Nakuru, we inquired the price which they gave to the growers and the difference between the Kenya and Tanganyika prices. We were told that the Kenya Pyrethrum Board undertakes some research which Mitchell Cotts of Tanganyika does not undertake. Mr. Deputy Speaker, when the Minister replies I would like him to tell us—in view of the fact that Kenya and Tanganyika are very friendly countries—whether some of the expenses for this research will be shared by the growers of both Kenya and Tanganyika, so that the growers here will have a little more in their purses. Mr. Deputy Speaker, the difference is ninety cents, and that is a lot of money. I hope that from today the Minister will do something to increase the price of pyrethrum to the growers.

Mr. Deputy Speaker, there have been increments given to the people employed in the Pyrethrum Board: Some of these people are getting five thousand shillings, three thousand shillings a month, but the growers are getting practically nothing. I would like the Minister to look into the working of the Board and find out if some money is not going to the wrong hands, so that we can return it to the right hands. Mr. Deputy Speaker, we have a lot of insecticides in this country. Some of them come from abroad. I would ask the Minister to bring a Bill in Parliament banning the importation of any other insecticide to Kenya, because that is competing with and stopping our pyrethrum from being sold.

Mr. Deputy Speaker, when we went to Nakuru, we found that Africans were working in the industry as sweepers or labourers and things like that, there was only one African who was some sort of an executive officer, but the rest of the people from the top, all the technicians, all the people from the research section, were Europeans. We inquired as to whether the Pyrethrum

Board was taking steps to train Africans who would help the Europeans in research. We were told they have never had an African capable of undergoing this training, and we believe this is not true, Mr. Deputy Speaker. So we will ask the Minister to make sure that, since we have got a lot of scholarships from overseas, as we have been told by the Prime Minister, the Minister makes a point of getting some of the good brains from the African people to go overseas and do some research into pyrethrum so that should any of these people, who are doing research in Nakuru, want to leave, we shall have Africans to take over.

I come from an area which grows pyrethrum, and while the Minister was congratulating us for having completed our quota I would like to point out to him that we may have less and less pyrethrum growing in our country. I would like to show him that he may not get much more, because after three years, the soil is exhausted and you cannot grow anything else in that soil again. I would ask the Minister to request those people doing research not only to do research into the growing of pyrethrum but also to do research into the effects of pyrethrum on the soil—so that it can be grown for a long time without this soil exhaustion.

The Minister said that we are selling our pyrethrum to the Western countries. I would like him to tell us, since he toured the Eastern countries, how many countries he contacted, and how many are willing to buy our pyrethrum, so that the question of quotas will not arise.

I understand that Kenya is allowed to sell on the world market 7000 tons of pyrethrum. We would also like him to tell us how he divides this quota up. How many thousand tons are given to the black growers, and how many tons are given to the white growers, so that we shall know whether these quotas are fairly distributed. Mr. Deputy Speaker, the question of cess has been mentioned. We find the people who are growing pyrethrum in the country, some of them don't have any other work. The only work they have is to grow pyrethrum. You will find that this cess which is given to these growers is not given to the other people. What I would like to suggest is that while some of us are working and are getting paid per month, there is no cess on the pay we get except the normal taxation per year. I would also like to say that since the man who grows pyrethrum is going to be taxed anyway in the same way as other people, there should not be any other taxation at all. If it is logical for a farmer who grows pyrethrum or for that matter any other crop, to be taxed or to be asked to pay

[Mr. Anyieni] something, it should also be that if for every one lb. this man is going to pay 5 cts., and for every one lb. he gets Sh. 1/80 if for every Sh. 1/80 the producer must pay 5 cts., the Government should consider another way of making sure that for all those people who are employed, for every Sh. 1/80 they make, 5 cts. will be taken as taxes. It would be unfair for Anyieni and everybody else to get all this money and put it into his pocket, but the poor farmers who put Anyieni into Parliament will be taxed more heavily than Anyieni who may be better off than the farmers. So I suggest that the Minister stops some of this cess to the growers, so that they will benefit from growing or from the sweat of earning by trying to grow pyrethrum. With those few remarks, Mr. Deputy Speaker, I wish to support the Bill.

Mr. arap Kerich: Mr. Deputy Speaker, Sir, I think it will be necessary and I am not prepared to oppose it, but before I support the Bill, I should like to say a few things which have not so far been said.

The Deputy Speaker (Mr. De Souza): Try and speak a little louder.

Mr. arap Kerich: I think the Minister should be aware that on some farms which were formerly occupied by Europeans which are now taken over by new farmers, these new farmers have no experience of growing pyrethrum. I know some farmers around Londiani where some of them have goats and the pyrethrum has been trampled by these animals. The Government should not be asleep and the Minister should appoint experts to go round and teach farmers how to grow pyrethrum. Most of the farmers have been told that pyrethrum is a poisonous plant, and some of them have just left it to die away, and it is a sad sight to see these plants being trampled on by goats or just being left to die. In that case, the Minister should be aware of these obstacles. It was recently when the Minister issued a circular to Members telling them to encourage their constituents to plant various crops including pyrethrum. The Minister should know, however, that the Members are not able to advise the farmers as to how to grow pyrethrum. The Minister should set up a body of experts to go round with chemicals which are good for this pyrethrum. Another point is the question of concentrating the teaching in one area, that is the Central Region. Because good pyrethrum is found only in the Central Region, and we would like to see it grown in the Rift Valley. It is not only the Central Region which is good for pyrethrum,

there are various places like Londiani and Kericho districts whereby farmers should be instructed to plant pyrethrum. Whenever a Member from the Opposition says something, Members from the other side say tribalistic. Why is it that pyrethrum from the Central Region is more advanced than that from other areas?

An hon. Member: Because they are tribal.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Speaker, I would like just to thank the Member for giving way, and remind him of one thing. Because of what was put forward by his party and what has resulted in regionalism, my hands are tied in what he is asking me to do, and as a regionalist he ought to know this and not waste the time of this House.

Mr. arap Kerich: I think the hon. Minister is here in this House by virtue of regionalism, so Mr. Deputy Speaker, the Minister should do his work and concentrate only on the Constitution. If he is not able to carry out this Constitution, he should resign.

So, Mr. Deputy Speaker, I am urging the Minister to see that things are done in all regions, not only the Central Region.

An hon. Member: Do you belong to the Central Region?

Mr. arap Kerich: I have not finished.

An hon. Member: Good, carry on. Are you the Minister for the Central Region?

Mr. arap Kerich: Mr. Deputy Speaker, Sir, before I end my speech, I would like to know that the Minister is seeking a world market for these products because we would not like to grow this pyrethrum and then have no market to sell it.

It would discourage the economy of the country, and the age of pyrethrum will come to a sticky end, unless the Minister is awake. With these few remarks, I beg to support.

Mr. Bala: Thank you very much, Mr. Deputy Speaker, I wish to congratulate the Minister for Agriculture on the able way he presented this Bill to the House. In doing so I have a few remarks which I would like to make on this Bill.

In the course of his speech yesterday, he mentioned that there is about 65 per cent of the world market—I mean on the consumption from U.S. aid—and I wonder whether the Minister during his tour in the Eastern countries, did actually explore some ways of obtaining markets in those countries. I understand that our biggest

[Mr. Bala]

consumer is the United States of America. Last year, the Minister made an extensive tour of Eastern countries, include the U.S.S.R., Czechoslovakia and East Germany. I think with regard to marketing, as some Members have rightly said, we should not depend on one particular country to market our products. The other point I would like to make, Mr. Deputy Speaker, is that in places like Central Nyanza or Nyanza Region for that matter, pyrethrum has not been introduced, and Kenya being an agricultural country, and pyrethrum being one of the cash crops that we have in this country. I think the Minister should do his best to find ways and means by which he can introduce pyrethrum into the Nyanza Region, particularly in Central Nyanza, because we do not have enough cash crops in places like Central Nyanza.

An hon. Member: Where? Kenya.

Mr. Bala: When I say Central Nyanza, I do not need to teach you geography to know which side I do not think you are an expert of the soil. I hope the Minister for Agriculture is capable of replying to that question. So please give me my time, I hope you have had your time.

There are a few points which I would like to mention with regard to the Bill. When we see clause 4 (5) it is stated here that the Minister has all the powers whereby he can revoke the appointment of any member of this Board at any time he wishes. I think, Mr. Deputy Speaker, this is very serious, because I do not think it would be proper for us as Members of this House, to give the Minister all that much power whereby he can wake up one morning and sack any member of this Board. I think this is one of the powers which needs to be amended because for one thing it is the Minister who is going to appoint the majority of the members to the Board and, at the same time, after appointing them, he has the right to sack them any time he chooses, and I think that is one of the things in this Bill which I feel should be corrected, because we should not have members of this Board who are actually working under the fear that one day when they criticize the Minister they will be sacked the same day. I think that is not very fair.

The other point is on clause 4 (c). Here I must congratulate the Minister for having increased the number from six to eight and I think this will give a reasonable representation but, at the same time, I think the appointment should not be limited to only areas producing pyrethrum because there are certain areas which have not

been producing pyrethrum, and these are inherited from the old colonial government which had limited areas for the Europeans in this country. It is high time we had pyrethrum extended to various areas where the people have not had the benefit of growing this particular crop. So, I think when appointing these members of the Board we should not only limit the appointment to the areas which are benefiting from the crop.

The Speaker (Mr. Slade): Mr. Bala, we have had this repeated three times.

Mr. Bala: Thank you very much, Mr. Speaker.

The Speaker (Mr. Slade): It is all right to say that you support what another Member has said, but we do not want the actual argument repeated any more.

Mr. Bala: Thank you, Mr. Speaker. There is another point on clause 5, Part VI, the Appointment of the Employees of the Board. I think here again is a place where I would like the Minister to see to it because most of these Boards have people employed and most of these people get employment without the job being advertised. I think some of these people are getting very high salaries and there are a lot of complaints from the member of the public that most of these Boards are the big employers of the country. While the Boards are employing people, they should advertise these posts each time they come up so that everybody who has adequate qualifications, whether he is from the Coast, from Nairobi, or even from Nyanza Region, could have the opportunity to make an application and get the appointment. But when people are just being employed behind closed doors it appears that certain people have certain advantages and other people may not benefit. So, I think the Minister of Agriculture could probably use his influence to direct the Board to see that all the posts on these Boards should be advertised for all people to be able to take up appointments according to their qualifications.

The other point I would like to mention is on the side of marketing. Mr. Speaker, here again I think it is high time that the country should try to employ some system of economy. When we have two Boards, the growers and the marketing Board, it means a big expenditure for the growers, the pyrethrum growers. So I do not think that it serves a useful purpose to have two Boards at the same time. We should only have one Board, serving both the growing and marketing, because we are going to have certain staff employed by the marketing Board and other staff employed by the grower's Board. I think this is

[Mr. Bab]

again where the Minister could actually reconsider making this one Board because the more we have two Boards the more it will be expensive for the country and this may not actually follow our declared Kanu policy, because our policy is to try to see that we work things in the most economical way possible.

Now, I have another point under clause 35. The Minister, may by notice in the Gazette, order the Board to be wound up at any time. Here again I think there is something wrong because I do not think it would be fair for the Minister to have all that power so that any time he wishes he can wind up the Board without even consulting the Members of the Board or referring the matter to the Members of the Cabinet. Here he is given the power to do what he likes at any time. I think some amendments should have been made here whereby the Minister should consult the Cabinet or consult the Members of the Board before he can give an order in the Gazette to wind up the Board.

I think this is my last point, Mr. Speaker, and I think that in all fairness the Minister should allow all these people who are serving on the Board to serve for the period, which according to this Section is two years and in some cases three years, without interruption, because I know what happens in some of these Boards: there are some people who are very critical and these people sometimes find themselves in disagreement with the Minister and they soon find that they are sacked without a proper reason.

With these few words, Mr. Speaker, I would like to support this Motion, and I must congratulate the Minister for Agriculture for his able and clear way of presenting this Bill.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, may I move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): This is such an important matter and hon. Members are showing so much interest that I think it would be premature to allow that question. But at the same time, along with a new matter arising with almost every speech, there is a good deal of repetition, and I am going to be really strict on any further repetition from hon. Members.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Speaker, Sir, I would like to say only about three or four things on this Bill. I think it is very important that while we want marketing efficiency, the Members should also

take the trouble to study the problems involved in marketing agricultural products. It seems to me that most Members here have not appreciated—certainly not those who have spoken on this subject—that the products that is marketed is not a finished product which is ready for the growers to put on the market. It is not like cabbages or potatoes or wheat which one gets direct from the farm and puts on the market for the final consumer. The marketing of pyrethrum is the marketing of a raw material for the manufacture of insecticide. It is a most involved, complicated business internationally and the Members here cannot have it both ways; they cannot ask the Minister to make arrangements for efficient marketing internationally and to diversify the countries where we ought to find these markets and, at the same time, say that they want a simple growers' Board in Kenya where they admit that most of these growers—somebody said this, I reiterate—have not got the education to do that work, yet at the same time they want them to have these more complicated responsibilities. I would have thought, Mr. Speaker, that the Minister is to be congratulated for having grasped this essential problem of the economics of marketing produce, of the economics of marketing primary commodities, above all the problems of marketing a raw material, like pyrethrum. But he has seen fit to have a growers' Board, which will ensure that the fair distribution of quotas to all the growers and to all the areas of our country that should grow pyrethrum. We all entirely agree that areas that can grow pyrethrum should be allowed to grow it, and no one disputes it and it is no use anyone repeating it time and again here, it is not disputed by anyone in the Government. Now, I thought that the Minister was to be congratulated by having a growers' Board which will deal with those matters of good husbandry, of good collection of the products, of fundamental research into the conditions, into the soil conditions, into the ways we can have a great yield of pyrethrum from a given acreage, and all those other aspects. That Board will concentrate on that job, and the more involved business of where the product ought to be sold, with whom we should make contracts for processing, of the problems of transportation, of the complications of international trade, these should be removed from the hands of the growers and should be left with a Board of people interested in these commercial aspects of the matter. I thought that the point which needed emphasis, Mr. Speaker, is that, with the operation of these two Boards, we shall ensure that the primary producers' Board, which is the

[The Parliamentary Secretary to the Treasury] one that deals with production, retains the significant powers which it is now given in this Bill, and that, in its operation, it does not become the less significant Board, although this, of course, would be up to the Members of the Board themselves.

Now, I would like Members to think in detail of the problems involved. Indeed, in another sphere, in coffee marketing, the co-operatives themselves have admitted that it is better to have a growers' co-operative or Board which deals with the collection of the product, with the distribution of the money to the various Members, gives help to members to get credit facilities, and all these other problems, and to leave the marketing of the coffee to the Coffee Marketing Board. That system now operates very efficiently in the case of coffee, and I would have thought that this is a system which we already know the growers are happy about and the growers of pyrethrum, themselves, have expressed themselves freely on this Bill and have said that they would like such assistance as is now proposed in this Bill. So, those of us who are not really farmers—and I am one of them, I do not claim to be a farmer—do not let us come here and talk about matters which the farmers themselves know about very well, and on which they have expressed themselves to be happy with this sort of arrangement, because they are sure that it is going to be more efficient. If we cannot market efficiently, all the other talk which has been made in this House is going to be useless. If we cannot market efficiently, it is no use encouraging people to grow more, it is no use saying that people should grow more per acre, it is no use saying that the planting of pyrethrum should be extended to various areas. So, I think, Mr. Speaker, that the present arrangement is going to be efficient and the growers believe that it is going to be efficient, so I think we should support the Minister.

However, there is another aspect to it, and I think this is an aspect which I would have expected the Members to have emphasized more. In the Bill, in one of the clauses, the marketing organization Board is going to have powers to negotiate with other similar organizations in East Africa, or in the world, to have contracts or arrangements or agreements whereby the marketing of our product may be the more efficient, and I would like myself to ask the Minister to see that when this marketing Board is set up, one of its functions should be to make direct contact with the similar Boards in Tanganyika to make sure that the marketing of the East African crop is on a rational basis. He must, above all, ensure that we, from East Africa, do not become

competitors in the international market, because I think we should all agree that, as agricultural countries in East Africa, we have to ensure that the marketing of the crops which we all grow in East Africa should be co-ordinated. If we are going to be competitors, if we are going to try and undercut each other in the international market in agricultural products, it is going to be very difficult to retain the co-operation—the economic co-operation—which we now have in East Africa. I would, therefore, hope that the first act of the Marketing Board will be to have conferences with the Tanganyika people, the growers, and with Mitchell Cotts, which markets on behalf of the Tanganyika Board, and that these three organizations should be able to reach some arrangement whereby they will be able to market the East African crop in the most advantageous way, in the international market.

The point has been made here by some Members that the price paid to the Tanganyika growers is higher than that paid to the Kenya growers. That, I think, is entirely true. But equally, Mr. Speaker, we should—and I hope that the Minister, when he speaks, will explain all the details—ourselves check the facts. We know that the Kenya Board of Pyrethrum has been maintaining a research service in this country which is pretty costly. It has been costly, but it has helped us to get better crops in the field. They may have had to maintain very big offices, and to pay high salaries to their members, although I have not myself checked this, but I hope that there should be a more efficient arrangement whereby all this is checked. But at least one point ought to be emphasized, and that is that we should not seek to reduce the amount of research now being done on the more efficient growing of pyrethrum in this country, because we would be defeating our own purpose. It is well known that those people who do not do any research, in the field of agriculture, lag behind and in the end they find that it was a very false economy to have reduced the amount that they spent on research. So, I would hope very much that, far from a reduction in research, we will do more research on how we can produce more pyrethrum more efficiently, how we can get higher productivity of pyrethrum per acre, how we can produce pyrethrum of various types, and above all, how we can have more efficient processing of this product. So, we should encourage research. But, if the research is going to be done into pyrethrum, I believe that the present attitude of the Government is right, that those people who benefit immediately by the applied research in that particular field, should also be asked to pay for it. I think the hon. Members will support that particular principle.

[The Parliamentary Secretary to the Treasury] that the growers of pyrethrum, who benefit directly by the result of the applied research into pyrethrum, should be asked to make a contribution towards the final outcome, and, if possible, that research should not be made a charge on the general revenues of the country, as far as that is possible, which ought to go to more deserving causes. Mr. Speaker, one Member is asking why. For the very simple reason that the ordinary general taxpayer should not be asked to subsidize research which benefits a certain class of people directly and immediately. Therefore, the pyrethrum growers, like the coffee growers, like the growers of sisal, like the growers of any of the other major crops we have in this country, should be asked to make a major contribution towards pyrethrum research. If they are going to make the major contribution towards the financing of research then there must be a cess, there must be a cess on the crops, or alternatively, some other technical way will have to be worked out for collecting the money. The way the money is collected does not really matter, but we believe that the cess is the easiest way, it is handled by the co-operatives, it is very cheap to collect that way, and it is really the best way to do it. Of course, if some hon. Member has some more efficient way of doing the same thing, I am sure the Minister would be very willing to listen to such suggestions. So, one of the reasons why there is a difference between the price of pyrethrum in Kenya and the price in Tanganyika is that we here retain a research service for which we have to pay through cesses so that the take-away price which the farmers get has to be reduced by that amount. Now, Tanganyika has not started that research, but this is not a matter which we should be proud about.

Now, I want to stress yet another point which has been raised by Members here, and I hope Mr. Speaker will not say that I am being repetitious. It has been said here that the Government is favouring various regions in the growing of crops, and that certain regions have been shown favour. I think it is utterly false for the hon. Members, who know the history of all these matters very well, to come forward and attribute the responsibility for all these things to people who they know very well have not committed them. They should know that it is the policy of this Government to try, as far as it is possible, to establish a minimum national standard of living throughout the country, to ensure that wherever a person is living he shall not be denied certain basic social services merely because he happens, unfortunately, through no fault of his own, to live in a part of Kenya which has not got the

potential that some other part of Kenya may be blessed with by God. There is nothing theoretical about it. Every Member, for instance, knows that a campaign has started in the Western Region to try and grow more sisal, but the hon. Members there, and the co-operatives, continue to argue endlessly as to where the sisal factory should be established, and therefore it is not established for a long time. If hon. Members really want to make a positive contribution, they should resolve these petty differences about where industries should be located in their own areas. Let us not also be selfish about these things being established only in our own constituency. Hon. Members should at least be able to think of the region even if they cannot conceive of Kenya.

Mr. Speaker, I very strongly support the Motion.

Mr. Bomett: Mr. Speaker, I support the Bill very strongly, although I think that it has come rather because the pyrethrum industry at the moment is on the verge of complete failure. I should like to touch on the two Boards, the Pyrethrum Board and the Marketing Board. There are two ways of thinking on this. The first way is that the Minister is right to appoint the two Boards, and the second way is that to have these two Boards is rather extravagant. I myself feel that it is extremely extravagant to have a Pyrethrum Board essentially for growers, and to have another Board essentially for marketing, although marketing is very important indeed. All the same, it could come under the Pyrethrum Board and have its own department. Mr. Speaker, Sir, other statutory boards, such as the Kenya Meat Commission, also have only one body, and within that body there are departments that serve various needs for the smooth running of the Board. There is a marketing section and that section does all the work of finding a market for Kenya beef. This could also apply in the pyrethrum industry because pyrethrum, as we know, has faced great setbacks in the past and has not completely recovered. Now, we will be asking too much from the growers and from the pockets of the farmers, if we establish simultaneously these two Boards. My contention is that of the two Boards, only one Board need suffice, and that the marketing section should only be part and parcel of the Board. At the moment, as things stand, we shall need two Chairmen, which will require a lot of money for salaries and, if you read the Bill, you will see that I am right, and that provision is made for two Chairmen. Also, there will be members serving on the Boards and these members will claim various allowances and, to make it worse,

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the two Boards will employ different officers to serve on the Pyrethrum Board and the Marketing Board. This is extremely serious and it will pinch a lot of profits that would otherwise go into the African farmers' pockets.

Mr. Speaker, Sir, I should like to touch on the side of the processing of pyrethrum. In the past—I have here a pamphlet, "The Commission of Inquiry into Certain Matters Concerning the Pyrethrum Industry"—there has been a lot of wrangling and a lot of differences between the former Board and the companies that extracted pyrethrum. The failure of the former Board to cater for the farmers of Kenya as far as pyrethrum is concerned, could be attributed to the quarrels between the Board and the two extracting companies, the East African Extract Corporation and the Mitchell Cotts Group which came into the picture later. Now these two companies did a lot to spoil the chances of the pyrethrum in Kenya in that, because of their quarrel, the farmers, instead of selling the commodity after the flower has been processed, the two companies demanded that they should buy the flowers from the Board and after extracting and processing the flower they would sell it direct themselves. That meant that they would make a bigger profit. I hope that in section 10, paragraph (d) of this Bill, where it says, "with the approval of the Minister the appointment of contractors for the processing of pyrethrum and the negotiating of fees thereof", it does not mean that the processing and extraction of the flower will be done by a different company when the Board is a big public body that has been set up to cater for the pyrethrum industry. I feel that whichever company is approached to do the actual processing of the pyrethrum, the Pyrethrum Board should buy more of the shares of the company in order that this company may be the property of the Board, because we have a declared policy in this country that whatever the individuals cannot do, then the public should own that property. Here is a case where I feel that the company, Mitchell Cotts, or whichever it is, is going to do the extracting and the processing of the pyrethrum flower, the Board should have more shares so that the pyrethrum growers will have a say in this part of the machinery.

Mr. Chairman, Sir, I should now like to touch on the actual growing of pyrethrum. It is very amusing to find some Members here standing and saying that the allocation of quotas is discriminatory or is regional. The fact is that the fight for the Africans to be allowed to grow pyrethrum or coffee was started by people who

fought the *Kaburu* in the past, and it is not a question of us here coming and playing politics as if there were still barriers in the way of the African farmer. This is nothing to do with politics, and no amount of politics will make pyrethrum grow in Lodwar or, for that matter, in the lower parts of Baringo. There is no question of that. Western Region or no Western Region, you grow sisal and no amount of politics here will make pyrethrum grow in Lugari District.

The Speaker (Mr. Slade): We have practically exhausted both sides of that argument, Mr. Bomett.

Mr. Bomett: Mr. Speaker, Sir, I just wanted to say that pyrethrum or any other cash crop which will grow in Kenya should be grown in the areas that are most suitable so that they will bring more money to the country rather than restricting it to a particular given region or given locality just because Mr. X wants it.

Mr. Chairman, Sir, I beg to support.

The Speaker (Mr. Slade): Mr. Osogo, if you wish to move that the Mover be now called upon to reply, you may now do so.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, may I move that the Mover be now called upon to reply.

(The question was put and carried)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): I would like to thank hon. Members of the House for the great interest which they have shown in this Bill and I sincerely hope that they will also show the same interest when they get back into their areas by asking their people to forge ahead with an agricultural programme which is being worked out by my own Ministry in conjunction with various districts. Some of the districts, and this includes pyrethrum, have already come forward with projects and with a lot of development plans for the district. Other districts have not even started. Certain Regional Authorities have them ready. Other Regional Authorities have not got them ready. I want to make it perfectly clear to hon. Members that all we can do under this Constitution, at the moment, is to bring pressure, and continue to bring pressure. This is what we are doing in my Ministry and I call upon hon. Members of this House to patronize their own districts, to patronize the Regional Authority Members so that, in conjunction with the Agricultural and Veterinary Officers, these development plans can come forward. I am sure that

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we as a Government, once the plans come forward, can then go out into the world seeking what we need to make them effective. That is a big part in which hon. Members can play.

Mr. Speaker, Sir, I want to go through the speeches, one by one, made by hon. Members, and I want to start off with the hon. Member for Baringo North. He did raise the matter that other Members raised, that there was a better price being paid in Tanganyika than is being paid in Kenya. This we are fully aware of, Mr. Speaker, and had we had a Bill like this in Kenya previously, the Board would never have got into the difficulties that it is in today. It is the necessity of having a Marketing Board which is so important. I would like to ask hon. Members to look at our most effective and well organized industry: and that is the Coffee Industry. One of the reasons why this industry is so well organized is that you have a Board which is in charge of growing a crop, of looking after that side of it, and then you have a small Board derived from the Growers' Board and from other members, whose sole job is the processing and the marketing side. This is their sole job, and they are people who know all about it. They are not farmers who have no idea about commercial business or processing or marketing. It is a highly organized game. Pyrethrum is even more difficult, because when you have processed pyrethrum, you end up with something called pyrethrin. That is not put on the market and sold in a *duka*. It is unfortunately only sold to companies who manufacture insecticide, the aerosol sprays and other varieties of goods that are put on the market, so you are not developing an end product. You are developing something which only certain organizations in the world can buy. Sir, many speakers raised the point about the trip which the hon. Mr. Kibaki, the hon. Dr. Kiano and myself made to the socialist countries. I would like hon. Members to know that the most important crop that we discussed with these people was pyrethrum, because we maintain in Government that pyrethrum means so much to the peasant farmers in this country. The result of our trip was that two socialist countries are beginning to take an interest in pyrethrum. We are doing this as a follow up with our leading pyrethrum chemists, to go to these socialist countries and explain how they can use pyrethrin in some of their processing. They have to be sold on this idea and how it is done. One of our Ministers is leaving to make a tour around these countries in June, because they asked for him, then, I would also like to say that one of the

great difficulties that you have with pyrethrin is that it is not a stable product. When you squirt an aerosol spray to kill mosquitoes or flies, the power that can knock the mosquito or the fly down immediately is pyrethrin; it is an insecticide that has been used by human beings for thousands of years, and no substitute has been found as yet. It has an immediate effect, but, unfortunately, it is non-stable, in other words it cannot have a lasting effect. It disappears in the air and another fly comes in and says *Jambo sana* and just keeps on flying round and round. It does not contain the stability to knock a fly or a mosquito down.

Mr. Speaker, this is what we are doing research work on—one of the two things. We are doing research on trying to find a form of making pyrethrin stable so that—as with D.D.T.—once you spray it on the wall or on a bag of maize or a bag of wheat it will remain, and if another insect comes along it will die. This is the one break-through we are trying to get.

The other break-through is a break-through in utilizing it in agricultural work: that is the spraying of agricultural crops, and the putting of it into a bag of wheat, or inside a bag of food because it is non-toxic to a human being and this is where it is of great value, but, unfortunately, no one has yet found a way of making it stable.

Sir, with regard to the marketing side, we have to be very careful indeed, because there are five big buyers in the United States of America who run commercial chemists' organizations and buy this, and then make something using it as an ingredient. We have to be careful that we do not get tied in a ring with these various organizations. That is why it is so important that you have people on this Marketing Board who fully understand it. It is a small Board so that the people who come from the Pyrethrum Board can learn the job because they are going to have to run it.

I am pleased to say that, arising out of discussions we have had with Tanganyika, I am hopeful that, sometime in the near future, Tanganyika will combine with us on this Marketing Board. That is why it is also important, Mr. Speaker, that we have a small Board different from our own industry Board so that Tanganyika can join in with us. Hon. Members will also be pleased that we are seriously considering that one of the people who will be put on it will be somebody from a company like Mitchell Cotts to give us guidance.

Sir, the hon. Member for Baringo North raised the point about abandoned farms and quotas, etc. I have the exact figures of quotas which I would like hon. Members to hear. In 1963/64, quotas of 3,800 tons were issued to settlement

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co-operatives, individual African farmers, Africans who take over farms from Europeans, and African settlement schemes. Large farms, some of which were African farms, had quotas of 3,000, so the majority of the quotas last year went to African farmers by a majority of 800 tons. The estimated production is very interesting. Out of 3,800 tons which were given to the African areas, it is estimated that they will only produce 2,000 tons, a short-fall of 1,800 tons, the majority of well over 1,000 tons, on settlement schemes.

In the European and large farm sectors which I am told included something like 40 African farms, there is going to be a down-fall of about 500 tons. The lesson that this has taught us, Mr. Speaker, and we are having discussions with the Ministry of Settlement now, is that we cannot afford to give to the settlement schemes and the settlement departments a high quota when they cannot fulfil it, because this coming year we have to produce 7,000 tons of pyrethrum in this country. We cannot afford to under-produce, and we cannot afford to over-produce. We must aim at 7,000 tons. It is my intention, arising out of the discussions I am having with Settlement Authorities, that we can come to some arrangement with them whereby we can gradually, perhaps over the years, increase their quotas as and when the settlement schemes operate, because I fully understand the difficulties which the new farmers have in transplanting the pyrethrum and getting it going. It is absolutely wrong for us, as a Government, not to allow a quota to be taken up when there are new areas, such as has been mentioned by Members today, which grow pyrethrum. I give an assurance to this House, Mr. Speaker, that I will take this matter up with the Pyrethrum Board, that they must attempt to get some of this quota which is now available into good pyrethrum growing areas which, up to now, have grown very little or none at all.

Mr. Speaker, the last point raised by the hon. Member for Baringo North, if he could have a little patience, was the one on prices. There are many reasons why the Kenya price at the moment is much lower than the Tanganyika price. He will appreciate that we have been able to put the price up quite a lot over the last three or four months. This is due to very hard work in reducing expenses in the Board and reducing certain high paid staff, but we have this tremendous stock pile of 6,000 tons now, coming down to nearly 3,000 tons, of which £1 million has been borrowed, and we have to pay the interest on that £1 million. This is why I want to be perfectly frank and say that

the pyrethrum industry is not very happy at the moment. It is in a better and more encouraging position today than it has been over the last few years. I mentioned the two names of the people to whom we ought to be thankful, who put a tremendous amount of work into it. Mr. Speaker, I would like to prophesy that, in two years time, you will find that we will be back and able to pay a similar price to that of Tanganyika, not only because by then we shall have got rid of most of our stock-pile. I hope, but also because I hope we shall have very close collaboration with Tanganyika, as a country. We have got to collaborate closely with them because there are other countries in the world which are beginning to become interested in pyrethrum, and who could perhaps produce pyrethrum cheaper than we can, because they have better soil and a better climate. So we have got to stand together with our sister nations to fight the other parts of the world which may all of a sudden want to start producing pyrethrum.

Sir, I would like to go on to the points raised by the hon. Mr. Karuki, the Member for the Aberdares. He explained the position about the settlement quota, and I have explained to him that I intend discussing this and finding ways and means by which we can help the settlement people, but whereby they will not have a surplus of quota not taken up. I am told by the Parliamentary Member and the Minister for Settlement that as they have not had an opportunity of replying in this Debate, they will be discussing the points which he raised with him direct. I would just like to explain to him that we will help as much as we can from the Ministry of Agriculture on policy in these settlement schemes, but we do not interfere on the ground because, for the first 24 years, it is a matter for the Ministry of Settlement. I would be pleased if he would take the points he raised up with them. He also raised a matter about regional representation. I am afraid there is nothing we can do on this matter at the moment. It is part of the Constitution, and therefore, I am not arguing whether it is right or wrong.

Sir, the hon. Member for Narok East, Mr. Tipis, raised a point about East and West blocs and tonnages. I am sorry we have to say to him that Eastern countries have taken very little pyrethrum indeed. I should think it comes to make 6 per cent or 7 per cent of our pyrethrum. Both the hon. Dr. Kiiano and myself are very hopeful indeed, and we are still pushing it when these missions come from the socialist countries. We have a mission at the moment from Czechoslovakia who are visiting the Nyanza and Western

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Region and we are pushing pyrethrum for all we can. I sincerely hope, as we have already had two countries, that they will take a little bit to experiment with, and that we can sell them some more. If we get this break-through, no doubt we shall be able to sell them a great deal. He also raised the point about the quality of pyrethrum and he is perfectly correct. The quality of your pyrethrum content will depend on your soil and your climate and on how you look after it. There are areas which are very much better at growing pyrethrum than others. He, the hon. Member for Narok East, comes from an area which has a very high potential of producing high quality pyrethrum, and I hope that now that I have accepted this challenge, together, we can improve the pyrethrum planted in that area.

Sir, he also spoke about research and whether we could get the United Nations interested. This is a very good suggestion indeed and I must admit my guilt that when I was at the United Nations the other day, I did not raise this matter specifically, although we spoke on research, but I shall certainly follow this up. I did mention, Mr. Speaker, in my opening speech, that we had got one of the world's biggest research and insecticide people to come in with us on research, and they are throwing the whole weight of their scientific team, which costs them many millions of pounds a year, in trying to get a break-through in pyrethrum. I think our contribution is something like £25,000 to £30,000 against their many millions of pounds.

Sir, I also mentioned in the socialist countries we named, the research aspect. We had one socialist country, who was visiting us in the middle of this year who stated it would be interested in discussing this research aspect with us, and I think that it may be interested in lending us some research people. Now, Sir, he asked about the Government nominated members on the Board.

Sir, as I have stated in this House before, it is only my intention as Minister to seek capital agreement, and nominate people if I think that certain people are needed on a Board to strengthen it. Sir, it is my intention to put on an accountant because I do not think under any normal machinery will an accountant come on the Board, and I think that is necessary. This is the type of person I intend putting on the Board. I can give the Members an assurance that I have no intention of telling my nominated members on the Board what they are to do or not to do. This is not my policy. If I disagree with the

Board, then it is my policy to go to the Board and tell them I disagree with it, and if they cannot convince me then, under the powers I have, I will tell them it is Government's wish that they do so and so, but it is not my intention to hamstring any member I put on, be he a Back Bench or somebody else. The hon. Member Mr. Odero-Jowi, Member for Lambwe, said that this Bill is long overdue, I see the hon. the Attorney-General is here at the moment, and I would like to remind hon. Members that we have a tremendous number of Bills coming forward in this Government to regularize things which have been done wrong in the past. His staff and his section work overtime in trying to get these Bills through. As hon. Members may know, in times gone past, the hon. Attorney-General has been a great friend of mine, this friendship is on a thin piece of twine because I am always nagging him to get on with my Bills. I see he is nodding his head.

The hon. Member also raised the point about Ghanaian and Nigerian statutory Boards and the principle of stable prices. We agreed with this principle and this is the reason why we are giving the power to levy cesses to these various Boards so that they can build up, if they so wish, a reserve to operate these stable prices in times when things are bad. But I would like to warn him of one thing about certain West African statutory Boards. Some of them have got into the control of solely Government hands, and I do not think that this is something we want in this country. I think that we must give the opportunity, with guidance and help admittedly from Government and other people, of getting these statutory Boards into the hands of our producers. I think they must be given the first opportunity.

The hon. Member also raised the question of the World Health Organization using more of our pyrethrum and I have given the reasons why people are finding difficulty in using pyrethrum at the moment and that is, because we cannot make it stable. I have spoken to people like the World Health Organization, and it is a point I will put to the new Board and they can follow it up. Then, Mr. Speaker, the hon. Mr. Omweri from Wanjare-South Mugirango. He mentioned the Kisii area quota as being the same as in 1961. As I said previously, I sincerely hope that this is one of the areas where we may be able to increase the quota slightly. The reason why no quotas have been increased since 1961/62 year is because of this stockpile which was built up.

He raised the point about the appointment of a Chairman. I am afraid that it is Government

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policy on all our Boards to see that we as a Government appoint the Chairman. This is because when we became Government there were certain chairmen of organizations with whom we had trouble, so we thought we would best get over this by seeing that we appointed the person so that if we appointed him we only had ourselves to blame. When you see in a Bill that the appointment is by the Minister, or the Minister has the power to do this or that, it is really the Government, and it is actually the Cabinet. No Minister starts taking any heavy-handed action with any statutory Board unless he has the full backing of his Cabinet. These are matters which always go to the Cabinet.

It is all right for the hon. Leader of the Opposition to say "Question"; things were different when he was in the Coalition Government. I was in the Coalition Government so I know how we worked then; but we worked as a team now.

Then, Mr. Speaker, he raised the point of cesses and levies which I have covered, and then said he did not think a cess was needed. I have covered this point widely. We need a cess, but the point here is that the Board is a producers' Board, and they are the people who are going to put up the idea of the cess. It is only up to the Minister to agree to the cess or disagree if he thinks that it is too high. At this point, some Members raised the question about county councils, etc. We are having discussions in the Ministry of Agriculture at the present moment with my colleague the Minister for Local Government, and we have told him that we do not like the idea which we hear coming forward from county councils of wanting to increase the agricultural cesses. We feel in agriculture that other means have to be found of finding money, and you cannot continue to levy a cess from the prime producers because they will just stop producing.

Mr. Speaker, the hon. Member for Lurambi, Mr. Masinde, raised points about where pyrethrum was to be grown, and that it ought to be grown in the Mount Elgon area, etc. As we will see in this new Board, it is entirely up to the Board itself to whom and to where they issue quotas. My intention when the new Board is set up is to attend its first meeting and to address the Board and to bring to their notice various points which we have as a Government, points of value which have come out of the debate today, and one of them is that I intend telling them that Government require and wish them to look at

areas, as I have said, which can grow good pyrethrum which have not grown it before.

Sir, he also mentioned putting up what type of crop is to be grown in all areas to all Members. My chief agriculturist, and my Permanent Secretary have paid visits (and we are doing them every three months) to Regional Assemblies and to the agricultural committees in all regions to explain our views on what they ought to grow. This matter of National Assembly Members being left out was brought to my notice by an hon. National Member about ten days ago, and all National Assembly Members will, over this next ten days, be receiving letters from my Ministry with reference to a meeting which we are calling in each region, asking all National Assembly Members to attend; asking the Regional Agricultural Committee to attend; and all agricultural and veterinary officers. The idea of these meetings is for the regional machine to be able to put ideas to Government and to attain the co-operation of the Members of this House in their development plan. Then, the hon. Member Mr. Anyieni raised four or five points, one he raised—

Mr. arap Mok: On a point of order, Mr. Speaker, is the Minister in order in trying to suggest that the Members of the National Parliament have a right to produce a policy and put it to the Regional Assembly as a rubber stamp instead of the Assembly producing its own policy and then discussing it with those who want to know about it?

The Speaker (Mr. Slade): It was in order for the Minister to propose this, so far as the procedure of this House is concerned. I am not competent to say whether it is a constitutional proposition, but if it is not, then the proper place to raise it is elsewhere. I am afraid.

Mr. Masinde: I am rising to get your guidance. We should not confuse ourselves over this issue. I think it is high time the National Assembly and Regional Assembly had meetings together.

The Speaker (Mr. Slade): That is not a point of order, Mr. Masinde. I have had to speak to Members very seriously about fraudulent points of order. I did give you warning of this yesterday. I am afraid I shall have to ask you to leave the Chamber.

(The hon. J. Masinde left the Chamber)

[The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, the hon. Member raised points about the Africanization of staff, and the training of Africans. I would like to tell him that I have already spoken

[The Minister for Agriculture and Animal Husbandry]

to the present Pyrethrum Board on this. I have given them Government views, and the information which I receive from them is that they are moving along these lines, but this is one of the points which must be taken up vigorously by the new Board, and will be brought to their notice when I address them at their first new meeting. I would like to say on this point, if I may, that we have held discussions with all the statutory Boards and told them that it is now possible for us to obtain scholarships overseas, and we would like to be able to help these statutory Boards in sending people for training in various categories if the training is not available in this country. He also raised a point about pyrethrum exhausting the soil. This is a fact which does worry the Department of Agriculture, and there are two answers to it. One is the use of fertilizer, and the second one is rotation. It is the policy of the Department of Agriculture, through the Regional Agriculture Officers, to explain to people that when they grow pyrethrum, they should, before they leave the pyrethrum in the soil too long, carry out a programme of rotation. I am afraid it is the only answer which we know about at the moment: that is the use of fertilizers and a rotation plan of putting either cattle, sheep or goats on to that land to return the humus as soon as possible. He asked the reason why we levy cesses. I have given that reason. I have also given the breakdown of how the 7,000 tons at the moment is made up. I would like to explain to him that the 7,000 tons is not forced upon us by the world quota; it is a quota which we ourselves have put on, because this is the amount which we maintain, in conjunction with what is grown in Tanganyika, can compete with the South American pyrethrum, and can satisfy the world demand with a little bit over for developing the market.

The hon. Member Mr. Kerich from Belgut, I am sorry I could not quite hear all that he said, but I think he said that people were told that pyrethrum was poison and it was a bad thing to grow, and that people who were buying large farms were not growing it.

Sir, I asked him to give way and he did, and we can only give instruction to the people concerned on this one. It is one which the Regional Agricultural Officers must go around and do. I will bring this to the notice of the President of the Rift Valley Region, and he can instruct them. He also spoke about seeking world markets which I have covered. The next hon. Member who spoke was Mr. Okuto Bala, the Member for Nyando.

I have already spoken about the results of our tour of Eastern countries. He talked about the introduction of pyrethrum into Central Nyanza. I am afraid that most of that area is not suitable for pyrethrum. Sir, he also raised the point about the aspect of 42 B clause 4 and 42 C.

The Speaker (Mr. Slade): Order, order. Mr. Jahazi, when hon. Members cross the floor like that, they are required to bow on their way.

Mr. Mutiso: I was going to ask whether it was in order for an hon. Member to cross like that.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, although it is stated in here that the appointment will be made by the Minister from a panel of names, I have spoken to Members of the Pyrethrum Board, especially those who come from the central areas and the co-operatives, and I have said to them that it is Government's intention to tamper with these panels of names as little as is possible. For instance, it would be wrong, as has already happened in other boards, where a name comes up through this set-up, and the same name comes up through the regional appointments, then something has got to be done about it. Over and above that, sometimes for some reason or other, you get a better man who has had previous experience, whose name may be second on the panel, but not at the top. We do intend leaving it wherever possible to the direct election of people by the growers, preferably through their co-operatives. Then, Sir, he did touch on clause 54—and asked me whether I would take this matter up with the Board and watch carefully that it was advertised. I must admit that it has not come to my notice that the Pyrethrum Board have, in fact, been giving positions without advertising. If this is so, it is contrary to my requirements, and I will see that they are immediately instructed that all posts are to be advertised. Then Sir, he touch on clause 35 which is the winding up clause. Sir, you have to have this clause in a Bill if you ever decide to do away with the Marketing Board, or to do away with the old board and put a new board in its place. You have to have legislation and a machine to wind up the board. If he looks at all our legislation, he will find that there is always winding up legislation for any board that you set up. It is not put there so that the Government or the Minister can throw the board out overnight. It is only there for the purpose; if you are winding up a board and this board, particularly the Marketing Board, could be wound up quite easily in the next few years, for the simple reason that, if we move into a federation or a closer tie with Tanganyika,

[The Minister for Agriculture and Animal Husbandry]
we may want to set up a stronger Joint Marketing Board. Then, of course, we shall have to wind up the present Marketing Board to do it. There is nothing subversive in that at all.

He also raised the question about people put on the board for two years, or three years, and the Minister being able to take those off who are nominated. Now, Sir, the normal machinery is that either from the Regions, or from the elected people, if a person dies, or takes a civil service job, or takes a job which does not allow him to go on, with the board, the machinery is there to bring a new member in. If he comes from the Rift, and he becomes a civil servant, then the President from the Rift can nominate somebody else in his place. Therefore, you need the same machinery for the four members who are appointed by the Minister. For instance, if a person becomes a civil servant, or gets a directorship in some company and he is a member of the board appointed by Government, we feel that the time has now come when he should not be on the board, this gives us the power of saying to him, "You should move off the board, let us put somebody else on, either you have an interest on the board, or you are a civil servant", or for some other reason. So again there is nothing on that one.

Mr. Speaker, Sir, I was about to answer my hon. friend from South Nyanza, but he has gone out. The hon. Parliamentary Secretary from the Treasury, I do not think I have anything to say on what he said other than to thank him for the support and the able way in which he spoke. Then Sir, the last speaker was my friend the hon. Mr. Bomett, who again said we were late with this Bill. I have given the reason why we are late with this Bill. I will give the same reasons why we are late with the Cotton Lint Marketing Board Bill which will come up at the next session, the sisal one, which, I hope, will be ready by then; and I cannot remember if we have another one which should be ready, by then too. He also raised the matter about the two boards. I think I have covered this other than to say that we have looked very carefully into this—because we were not very keen on bringing in two boards, but because of pressure from Tanganyika and pressure on the processing side and of the tremendous difficulty in marketing pyrethrum we honestly think it is the best but if we are proved wrong, there is nothing we as a Government cannot do and we can easily go back to one board, but I would like hon. Members to agree that we leave it as it is at the moment.

Mr. Speaker, I would like also to tell the hon. Member—because he raised the matter about the processing board—that it is out intention immediately to take about 50 per cent in the processing industry on the processing side, so right away, we shall be the main partner in the whole set-up of processing.

An hon. Member: Who is we?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I would just like to emphasize one point before I end. One is, that this board is set up to take care of the industry. It is up to this board; all we can do as Members of this House, all we can do as a Government, is to give them guidance. But, it is up to them to operate the industry on behalf of the producers who are producing pyrethrum for the benefit of this country. We are putting a great amount of responsibility on these people, a very great amount of responsibility on the Chairman of the Board, and it is up to this Board to do their utmost and to take care unselfishly of the position of the producers. That is the first one.

The second one is that this year we are going to introduce quotas for 7,000 tons and we are going to need every ton of that 7,000 tons. Therefore, I sincerely hope that the regional authorities. Members of this House and the agricultural officers will see that we are not let down as we have been this last year with under-quotas.

Mr. Speaker, I beg to move.

(The question was put and carried)

(The Bill was read a Second Time and committed to a Committee of the whole House)

The Speaker (Mr. Slade): Mr. McKenzie, I think you would like the Committee stage today.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): With your permission if we may, Sir.

The Speaker (Mr. Slade): You will require the leave of the House, so I think you had better state why.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Sir, I would be grateful for the House to agree to give the Committee stage today, because the Prime Minister is unable to get to Eldoret to open the Show on Friday and has asked me, as Minister for Agriculture, to go and open the show and, with the permission of this House, I would beg leave that we go through the Committee stage now so as to relieve me on Friday morning to perform this duty on behalf of the Prime Minister.

The Speaker (Mr. Slade): As I have said before, two stages of a Bill can only be taken on one day with the leave of the House; which means that no hon. Member objects. So I ask whether we have the leave of the House for this procedure. As there is no hon. Member objecting we shall take this Bill along with other Bills in Committee now.

(The Bill was committed to a Committee of the whole House today)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

]The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The Deputy Chairman (Mr. Slade) took the Chair]

THE PYRETHRUM BILL

(Clause 2 and 3 agreed to)

Clause 4

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, during the Debate on this Bill, I did tell the House that I would be prepared, and I have given notice, to move an amendment to 4 (2) (c), the amendment, Mr. Chairman, is to read that the word "six" be replaced by the word "eight".

..(Question of the amendment proposed)

(The question that the word to be left out be left out was put and carried)

(The question that the word to be inserted in place thereof be inserted was put and carried)

(Clause 4 as amended agreed to)

(Clauses 5, 6, 7, 8, 9, 10 and 11 agreed to)

(Clauses 12, 13, 14, 15, 16 and 17 agreed to)

(Clauses 18, 19, 20, 21, 22, 23, 24, 25 and 26 agreed to)

(Clauses 27, 28, 29, 30, 31 and 32 agreed to)

(Clauses 33, 34, 35, 36, 37 38 and 39 agreed to)

(Title agreed to)

Clause 1 agreed to

THE AFRICAN DEVELOPMENT BANK BILL

(Clauses 2, 3, 4 agreed to)

(Schedule agreed to)

(Preamble agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Deputy Chairman (Mr. Slade): Is any Minister prepared to deal with the Hospital Treatment Relief (Asian and Arab) (Amendment) Bill? There are some amendments to be moved I believe.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): I will.

THE HOSPITAL TREATMENT RELIEF (ASIAN AND ARAB) (AMENDMENT) BILL

(Clauses 2, 3, 4 and 5 agreed to)

Clause 6

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, I would like to propose that clause 6 of the Bill be amended by adding at the end of section 12 (2) of the principal Act which is contained therein the new paragraph following:—

(f) Where any person fails to pay the whole of the contribution due from him, together with any penalty in respect thereof, on or before the 30th April in the year in which the contribution is due, or before the sixtieth day following the entry into Kenya, or his ceasing to be exempt, as the case may be, he shall not be entitled to any relief in respect of the period prior to, or the first twenty-eight days immediately following, the payment in full of such contribution and penalty.

(The question of the amendment proposed)

(The question that the words to be added be added was put and carried)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, I beg to move that adding immediately before the words "periods exceeding" which appear in section 12 (4) (b) of the principal Act the numeral and words following:—

"(i) was present in Kenya for a period of"

(The question of the amendment proposed)

(The question that the words to be added be added was put and carried)

(Clause 6 as amended agreed to)

Clause 8

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, I beg to move that clause 8 (d) of the Bill be amended by deleting the words "The Authority may, before making any payment under this section, require the contributor or

[The Minister for Agriculture and Animal Husbandry] and inserting in place thereof the words—

"The Authority may require any contributor or voluntary contributor—"

(The question of the amendment proposed)

(The question that the words proposed to be left out be left out was put and carried)

(The question that the words proposed to be inserted in place thereof be inserted was put and carried)

(Clause 8 as amended agreed to)

(Clauses 9, 10, 11 and 12 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration and approval of the Pyrethrum Bill with amendment, the Hospital Treatment Relief (Asian and Arab) (Amendment) Bill, with amendment, and the African Development Bank Bill, without amendment.

(Question proposed)

(The question was put and carried)

(The House resumed)

[The Speaker (Mr. Slade) in the Chair]

REPORTS AND THIRD READINGS

THE AFRICAN DEVELOPMENT BANK BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I am directed to report that a Committee of the whole House has considered the African Development Bank Bill and approved the same without amendment. I therefore beg to move that the House doth agree with the Committee in the said Report.

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh) seconded.

(Question proposed)

(The question was put and carried)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the African Development Bank Bill be now read a Third Time.

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh) seconded.

(Question proposed)

(The question was put and carried)

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE PYRETHRUM BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered and approved the Pyrethrum Bill with amendment. I therefore beg to move that the House doth agree with the Committee in the said Report.

The Speaker (Mr. Slade): Unless there is any very special reason, we take consideration of report of a Bill with amendment on another day.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, could I take leave of the Council for the reasons which I gave earlier on?

The Speaker (Mr. Slade): Yes.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): I beg to move that this House doth agree with the Committee in the said Report.

The Minister for Health and Housing (Dr. Muungai) seconded.

(Question proposed)

(The question was put and carried)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the Pyrethrum Bill be now read a Third Time.

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh) seconded.

(Question proposed)

(The question was put and carried)

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE HOSPITAL TREATMENT RELIEF (ASIAN AND ARAB) (AMENDMENT) BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to report that a Committee of the whole House

[The Minister for Agriculture and Animal Husbandry] has considered and approved the Hospital Treatment Relief (Asian and Arab) (Amendment) Bill with amendment.

The Speaker (Mr. Slade): I do not know, Mr. Chanan Singh whether you want to take the next Order, as there are only five minutes to go: or would you rather start another day?

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): I think it would be better if I leave it to Friday.

(Consideration of Report of Bill ordered for tomorrow)

MOTION ON THE ADJOURNMENT

POLICE PETROL SHORTAGE, WESTERN REGION

The Speaker (Mr. Slade): I will call on a Minister, then, to move that this House do now adjourn.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that this House do now adjourn.

(Question proposed)

Mr. Makokha: Mr. Speaker, Sir, I have decided to raise this matter of the shortage of petrol at certain police stations in the Western Region on the Adjournment, because I have a feeling that the Government is not aware of the seriousness of the problem, and it is not aware of the extent of it. Ever since the House knew I was going to raise this matter, a lot of Members have come to me to say that it is not only a problem in the Western Region but that it exists all over Kenya.

This problem of the shortage of petrol affects our police force in many ways, and the efficiency of the force is questionable. I have a few cases where, because at certain police stations there was not enough petrol, the police were not able to help those concerned. At Kimini Police Station during the first week in January, thieves were able to steal from farms, and they got away in motor vehicles. The officer at Kimini was not able to give chase to these people, these thieves, because he did not have any petrol in his Land-Rover. I have since learnt that this particular officer was faced with possible demotion, but I believe that it was not his fault.

At Busia Police Station on Christmas Day, there was a murder case at Port Victoria, fifty miles away from Busia Police Station. The Inspector at Busia knew of it by V.H.F., but, because he did not have any petrol in his Land-Rover, he was unable to drive to Port Victoria.

fifty miles away, at once. It took some time for him to go to the Regional Government Agent there to ask for some petrol. Eventually, the Regional Government Agent agreed to lend him some, and then he went to Port Victoria, but inevitably a lot of time was wasted.

Mr. Speaker, Sir, there was another case at Maliki Police Station. Two people had a fight at Cheptais, ten miles from the police station, one of them received a fatal knife wound. His friend cycled to Maliki Police Station to report the matter, but the police did not have any petrol in their Land-Rover. It took some time again for the officer in charge to go looking for petrol at the dukas. Eventually, he borrowed some petrol from an Asian trader, and naturally much time must have been wasted before they could move to the scene of the trouble. I understand that this petrol has not been paid for and, knowing Government procedure, probably it will not be paid for by Government; this officer may have to pay for it from his own pocket.

Hon. Members: Shame, shame!

Mr. Makokha: Mr. Speaker, Sir, there was another case at Butere in the constituency of the hon. Mr. Shikuku, where at Msalava a certain trader was attacked by robbers, and although the hon. Member rushed to Butere Police Station for help there was none forthcoming because the police Land-Rover did not have any petrol.

An hon. Member: All over Kenya.

Mr. Makokha: Mr. Speaker, these are only a few instances, all from the Western Region, but, as I have said, many other Members from the Rift Valley Region and other parts could give examples of this sort of thing in their own areas.

The Government might think that if they give a lot of petrol to these police stations, some of the officers might misuse it. I do not think that would be the case, because for a very long time, up to now, we have not heard of any case of misuse of petrol by any police officer. Therefore, I would ask the Government to consider allowing more petrol to the police stations. If we take the Western and Nyanza Regions as examples, in the past these regions were supposed to be peaceful ones, and as such we did not have as many police stations as there are in the Central Region. If there are not enough police stations, I feel that the officers should have enough petrol so that they can move easily around the place.

There is also a change in the social pattern among the Africans. Some time back, it was possible for the chiefs and sub-chiefs to deal with wrongdoers. That is not the case now. The

[Mr. Makokha] chief, the sub-chiefs and the tribal authority have no longer any power in this matter. In fact, people look more to the police rather than to the tribal authorities, and in such areas I feel that the police should be provided with petrol, and other things, so that they are able to do their jobs properly.

The police should be on the ready to act at once all the time. In those cases which I have quoted, it is clear that the police were not able to do anything or to do it quickly, simply because there was not any petrol. That is why I feel very strongly about this, that this Government of ours must do something about this matter.

In the Western Region most of the police stations, until December last year, were allowed forty-five gallons of petrol a month. Taking the consumption of a Land-Rover that allows about 700 miles, but in the Western Region, particularly taking those police stations of which I know, they have to attend court cases, either in Bungoma, in Kakamega, or in Kisumu. They also have to attend staff meetings, either at divisional headquarters or at the regional headquarters in Kakamega. Because of this shortage of petrol, the police are unable to carry out any patrolling of the areas. In the Western Region there are some very bad areas which should be patrolled, but the police cannot do it because of this shortage of petrol.

May I suggest to the Government, Mr. Speaker, Sir, that, apart from allowing petrol to each police station, the officers in charge should be given power to use local purchase orders, so that when there is a shortage of petrol they can obtain it locally without having to borrow it from another Government servant. Also, the Government may say that if they do this, the officers will misuse the petrol.

I do not think so, Mr. Speaker, because the Government could give a maximum number of gallons that any officer could be allowed to use. Unless the Government does something, and does this something right now, we shall be in danger of having inefficiency in our police force and, as such, the people of this country may begin to distrust our police force which, I believe, is very efficient.

Mr. Speaker, Sir, I beg to move.

Mr. Shikuku: Mr. Speaker, Sir, it is natural that I should support this Motion because I have suffered already from this state of affairs. I feel that I must thank the hon. Member for having brought this to the notice of his House, and I would like to raise one or two points on it.

Firstly, it must be borne in mind by the Government and the people in this House that our people expect more from this Government, naturally, than they received from the Colonialist Imperialist Government. Yet, Mr. Speaker, during the Colonialist time I never heard of a case where the police failed to attend or to go to the site of a crime, just because they did not have petrol. Now that we are independent we have these instances. We also have instances whereby it is more or less implied that people must economize. Of course, we agree with that, but are we going to economize on petrol to the disadvantage of the people? I feel that security is the most important thing that the Government must assure its citizens. If every citizen is not going to be secure, if his property is not going to be secure, then it is completely useless to try and convince the masses at any stage, later on or now, that they are all secure and that the Government is going to look after them. Here, Mr. Speaker, the thieves must be rejoicing. They know that if they break into somebody's shop the police will not be able to stop them because they do not have any petrol. This, in itself, is a disgrace because we have to persuade the masses, and the African masses particularly, that we have a Government to protect them, and therefore the Government must act more promptly than the Imperialist Government used to do. At the moment, the feeling among my people, in Butere Constituency is that, "the Imperialist Government was better than the present Government". There is nothing for them to be ashamed of because, they are now justified in thinking so because when they report the incidents to the police, all they are told is that there is no petrol, but during the Imperialist time that never happened. The Government must be ashamed of itself. Some Member is shouting about my car, but my car is not a police car. I pay my taxes to make sure that people are secure and that their needs are met as far as security is concerned. The lack of petrol and the restriction of gallons at the police station is, in itself, rather unpleasant because you never know how many thieves are going to break into how many shops. There can be incidents of breaking into shops and robbing numbering as many as ten in a week and it is nonsense, Mr. Speaker, to expect the police inspector to be able to run all over the place with 45 gallons of petrol because the thieves can organize themselves so that they break into shops all over the place. I feel that the Government should take this very, very seriously and remedy the situation. We are here to be protected and so is our property and if this protection is not going to be given by this Government of ours.

(Debate continues)

[Mr. Shikuku] then this Government must admit it and tell the people that they are unable to do it, and if they are unable to do it, then they might as well resign and allow some sensible people to run the Government.

Hon. Members: Who will take over?

Mr. Shikuku: Some of the Members are shouting who will take over. There are people here with able brains who can take over the Government and who will make sure that the very Members who are shouting are going to be secure. I feel, Mr. Speaker, that there will be a time when a Member will be beaten up and when he reports the matter to the police station he will be told that there is no petrol. I hear a lot of noise from the Government Back Benches, of course, the Government is very disorganized as usual, and they are shouting like little school children. Now, Mr. Speaker, may I get one thing clear. We have either to get confirmation or an assurance from the Government that everybody in this country is going to be safe, and his property also is safe, and we can only be safe if the thieves are going to be dealt with effectively and promptly. I do not wish to say too much on this because I have a separate Motion on this subject. We have had a case in my constituency of a person being robbed and this particular person, when I went to visit him, had not been visited by a policeman, and when I went to the police station and asked why they had not gone to the site, they told me, "Mr. Shikuku, here is the Land-Rover (it was parked at the entrance to the station) and there is no petrol, and we cannot go to the site". I wish to record, Mr. Speaker, that all of us in this House are elected to speak and express the feeling of our people and if only all other Members would listen and stop playing about when someone is trying to make a point which is of vital importance. This is of vital importance and we are all here to protect our people and, therefore, I do not see any reason why some of the Back Benches, who are more or less the gramophones of the Government, should make so much noise.

An hon. Member: Mr. Speaker, Sir, is the Member right to refer to Government Members as the gramophones of the Government?

The Speaker (Mr. Slade): It depends how they behave, or how he thinks they behave.

Mr. Shikuku: Thank you very much, Mr. Speaker.

An hon. Member: We would like your ruling, Mr. Speaker. Do you believe that we behave like

schoolboys and the gramophones of the Government?

The Speaker (Mr. Slade): I said it depends how you behave, or how he thinks you behave.

Mr. Shikuku: Thank you very much, Mr. Speaker. The other thing, Mr. Speaker, is that we all want security, but if anybody here feels that he is going to disrupt this by shouting in this House, then he is doing a disservice to this country. It will be bad for me to hear of anybody in Kilifi, in Kisii or anywhere who has been robbed and then later on, hear that the police were not able to go to the place because there was no petrol. Mr. Speaker, may I suggest that, if the police force is short of money, I would be prepared, in this House, to support any Motion for additional expenditure for petrol, so long as this will ensure that each and everyone will be secure. We must not have the excuse of lack of petrol when the properties of our people are being stolen. I also feel, Mr. Speaker, that there are a lot of people, even among the people who are shouting here, who are being protected. I understand that the Ministers, in the places where they stay, always have a policeman with a gun guarding their homes. If the Ministers can be protected why not other people? Are the Ministers' lives more important than the ordinary man? If that is the case, then we ought to be told here. If the Ministers can be protected, then I call upon the Government to protect the lives and the properties of other people. With these few words, I beg to support.

The Speaker (Mr. Slade): Dr. Waiyaki, if you are going to reply, there are only ten minutes left.

Mr. Ngala: On a point of order, Mr. Speaker, is it in order for Mr. Speaker to persuade the Minister who is asleep to speak when he is not ready?

The Speaker (Mr. Slade): It is not in order for Mr. Speaker to persuade anybody to speak. However, it is his duty to point out to hon. Members the limitation of adjournment discussions, and how they may miss the opportunity altogether by waiting.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Is it in order to reply now?

The Speaker (Mr. Slade): Yes, that is in order.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, I was merely giving time to other people to

[The Parliamentary Secretary for Internal Security and Defence]

express their feelings on this because we think that this is a very important thing that has come up and I realize that hon. Members will be coming up with another Motion. Therefore, it is difficult for me to speak on this particular point because the hon. Member did not specify whether, in fact—because I would like to touch on Mr. Shikuku's future Motion—he referred to Mr. Etindi because if that is the case I would like to include this in my answer.

Mr. Shikuku: Mr. Speaker, during my speech I do recall that I did not refer to Mr. Etindi as a specific issue, or to any other person. As I said, in my Motion I will seek specific information on that, but not now.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, the position with regard to this Motion is that the Government appreciates the points raised by the Member for Elgon South-West, Mr. Makokha, but we wish to point out that we are faced with a very difficult situation at this time which calls for the use of a lot of petrol all over the country. In particular, I want to draw the attention of the Members to the fights against the *Shifita* in the North-East Region. Many Members who have had the opportunity to go to that region will know that the distances are extremely long and these distances we can only cover by using petrol which, probably, would have been used in other areas. So, to that extent Mr. Speaker, we are not saying that there is petrol in all police stations every where.

We are, in fact, admitting that there is a limited quantity of petrol for routine purposes in most police stations all over the country, not only in the Western Region. We are, therefore, urging that Members, more than ever before, should take an interest in the combating of crime because the calling for the use of extra petrol only will not solve the situation. We have only a limited amount of money in this country and despite the assurances of the hon. Member for Butere, Mr. Shikuku, and whereas we would welcome his help in obtaining further funds in this House, nonetheless this country has only so much money and no more, and only so much money for the use of the Ministry of Defence, and no more. If we are going to have to spend all the money that Mr. Shikuku is willing to see us get only on petrol, we are going to find it difficult to run this country in other fields. We are concerned about the security of property and persons within the difficulties that I have mentioned, coupled with an increase in crime, and in particular, in stock

thefts, which, we had hoped Members would take a very serious view of and help to combat. We would like to feel that Members will not go on to make our job more difficult. The cases quoted by the hon. Mr. Makokha, I cannot comment on in detail at the moment, but I can promise this House that if it is true that there was a shortage of petrol in Kimilili in January, when he said there was crime committed there, and when—as he says—there was a murder, and a fight in Malikisi which was not tended to because of the shortage of petrol, I would like specific information, giving the times and places of the actual crimes so that we can investigate them fully. In the case of Butere, the Butere incident, the police wish me to let you know the position. In fact, if this question refers to the 31st December 1963, when there was a report that there had been some thieving at some shop and Mr. Shikuku had gone to a police station and reported it to the police, the police wish to say that in fact there was petrol at the police station. They say that there were fifty-eight gallons of petrol, including a reserve of forty-four gallons. They therefore feel that the allegation made by Mr. Shikuku was unfounded. We will have extra opportunity, when the Motion that he proposes to put forward before this House comes up, to get further information which has not been given to us so far. But, Mr. Speaker, I want to say, in all earnestness that this Government is very concerned about the security of all its citizens and non-citizens, including our visitors who we are very keen to see in this country. At the same time, I want to repeat the appeal by the Government that Members, far from trying to compare the conditions which existed before independence and conditions today, and trying to show to the world that we have been failing in our independent duties, should try and work to help this country get through this difficulty.

Thank you, Mr. Speaker.

Mr. Ngala: Mr. Speaker, Sir, I think perhaps I sympathize with the Parliamentary Secretary who had the duty of replying to this Motion. His reply was completely unsatisfactory to the House.

In this House we cannot be told that the security of the people or their property will be in danger just because there are *Shifita* that have to be caught. The Government has to do all the things, it is the Government of the country and it has to expand its arms everywhere where security action is demanded. To tell the House that because there are *Shifita*, they cannot look after Malikisi, Busia and Butere is a complete negligence of their duty.

[Mr. Ngala]

Mr. Speaker, Sir, I think the Mover of this Motion has lost the meaning of the word "Motion on the Adjournment". This is not a serious matter that has been raised this afternoon as a Motion on the Adjournment. This is a matter which should have been reported first to the Police Commissioner of the Region. The Member concerned should have put the matter clearly to the Police Commissioner and made it quite clear. Failing to get a satisfactory reply, he should have put the question to the President of the Region and petrol should have been made available at once or an inquiry should have been carried out and such things as have been stated by the Parliamentary Secretary here should have been made available to the Member who has moved this Motion. I hope that in future the hon. newcomers to this House will learn what is the meaning of a Motion on the Adjournment. We do not want to waste half-an-hour talking about things like one gallon of petrol not being available.

Mr. Speaker, Sir, I beg to oppose.

An hon. Member: Mr. Speaker, Sir, on a point of order. I would like your ruling. The Leader

of the Opposition is saying that this matter was not serious enough to be brought up as a Motion on the Adjournment. I am wondering if he is not questioning the Speaker's judgement in deciding what is worth mentioning and what is not worth mentioning.

The Speaker (Mr. Slade): Order, order. The hon. Member was, in fact, questioning the Speaker's judgement; but whether he is justified in that questioning or not, he certainly must not say, nor may any other hon. Member say, that anything that any hon. Member tries to do in this House is a waste of time. That is a matter of opinion. I know hon. Members may often think that everybody, other than themselves, are wasting time, but they are not entitled to say so in this House.

ADJOURNMENT

The Speaker (Mr. Slade): Now, we have come to the end of our time, the House is adjourned until tomorrow, Thursday, 5th March, at 2.30 p.m.

The House rose at fifty-six minutes past Six o'clock.

Thursday, 5th March 1964

The House met at thirty minutes past Two o'clock.

PRAYERS

NOTICES OF MOTIONS

AMENDMENTS TO THE CONSTITUTION: EDUCATION

Mr. Murgon: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in view of the Rift Valley Regional Authority's failure to accept a girls' high school in Elgeyo because the idea originated from the Central Government, this House urges the Government to consider the introduction into this House of Motion to amend the Constitution so as to bring all secondary schools under the Central Government.

An. hon. Member: On a point of order, Mr. Speaker, is it in order for this House to discuss the legal discussions of the Constitution?

The Speaker (Mr. Slade): Several hon. Members seem ready to answer that point of order, but actually it is for me to do so. It is quite true that these things are laid down by the Constitution of Kenya, but it is also true that the Constitution of Kenya can be amended by resolution of sufficient majority of both Houses. Therefore, it is in order for any hon. Member to propose that Government should introduce into this House a Motion for the amendment of the Constitution. Whether that Motion is carried by the sufficient majority will be, of course, another question.

An hon. Member: On a point of order, in this case it looks as if it is not the Constitution but a decision of the Regional Assembly.

The Speaker (Mr. Slade): I do not think we will follow that point of order any further.

Mr. Ngai: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

DEVELOPMENT OF YATTA FURROW FOR SETTLEMENT

THAT this House urges the Government to develop the areas around the Yatta Furrow to enable settlement to take place immediately.

COMMISSION OF INQUIRY: REGIONAL BOUNDARIES

THAT this House urges the Government to appoint a commission which would go into the question of any differences arising from the boundaries between Eastern and Central Regions, and in particular the area around

Ithanga inhabited by Wakamba, with a view to this House thereafter considering an amendment of the Constitution of Kenya, in default of agreement between the Eastern and Central Regional Assemblies.

COMMISSION OF INQUIRY: LOANS TO AFRICAN TRADERS

THAT this House expresses its dissatisfaction of the manner in which loans are given to African traders and small-scale industrialists and calls upon the Government to appoint a commission from among the members of this House to inquire into the matter in which such funds can be impartially and remuneratively distributed.

Mr. Okwanyo: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

TRAINING OF EAST AFRICAN NAVY

THAT in view of the fact that the dismantlement of the East African Navy was forced on us by other countries, this House now urges the Kenya Government to consider training its own Navy on Lake Victoria and on the Indian Ocean to supervise Kenya's water.

REVIEW OF PENALTY FOR ROBBERY AND STOCK THEFT

THAT, in view of the continued prevalence of serious crime, this House urges the Government to review the penalty for robbery, house-breaking and stock thefts by doubling the punishment or even considering the necessity of recommending the imposition of capital punishment.

The Speaker (Mr. Slade): I understand the temptation for hon. Members to express their views on a Notice of Motion when it is half-way through, but I would remind hon. Members again, that the purpose of a Notice of Motion is to hear the Motion which is going to come forward. If it is interrupted by applause or other ways half-way through, the Members do not hear it. I do ask you to reserve your applause until you have heard the whole notice.

Mr. Okwanyo: On a point of order, may I read the first one again if the Members did not hear it?

The Speaker (Mr. Slade): Yes, you had better do that.

Mr. Okwanyo: I beg to give notice of the following Motion:—

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REVIEW OF PENALTY FOR ROBBERY AND STOCK THEFT

THAT in view of the fact that the dismantlement of the East African Navy was forced on us by other countries, this House now urges the Government to consider training its own Navy in Lake Victoria and on the Indian Ocean to supervise Kenya's water.

ORAL ANSWERS TO QUESTIONS

Question No. 49

KISUMU-MUMIAS-BUNGOMA ROAD: TARMAC

Mr. Mulama asked the Minister for Works, Communications and Power if, in view of the potential agricultural economic development in Mumias Constituency, the Minister had any plans in view for the Kisumu-Mumias Road to Bungoma to have a tarmac surface.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. The Government is aware of the urgent need for Road Development throughout the country. The lack of capital, however, makes it impossible to embark on a large-scale development programme at once. The Government has provided money for bituminization of this road from Kisumu to Kisiani at the moment; Kisiani to Yala is included in the next development plan which is being considered by the World Bank. The road from Yala to Mumias and Mumias to Bungoma is not a trunk road but a secondary one. As such, it is the responsibility of the Region. The Region concerned should consider it when drawing up their development plan.

Question No. 51

SUGAR INDUSTRY PETITION: MUMIAS

Mr. Mulama asked the Minister for Commerce and Industry if the Minister would inform the House of the position with regard to the petition presented to him in November 1963, by the people of Mumias offering 100,000 acres of their land for the development of the sugar industry and the building of a factory in that area.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. I assume the reference to the petition is, in fact, a reference to a memorandum which was presented to me on the 18th November 1963, dealing with a number of projects for the Mumias Division, of which a possible sugar factory was one. If this is so, then I think I should point out that

the petition did not exactly offer 100,000 acres of land for development, it merely referred to the fact that they had in that area more than 100,000 acres of land apparently suitable for sugar-cane. The memorandum was also a little misleading in saying that a sugar factory would definitely be established in the area. The fact is that the Industrial Development Corporation, who had been dealing with this, merely wrote pointing out that if a sugar factory were to be proposed there were a number of difficulties which first had to be overcome.

I agree, however, that on the face of it there should be very good prospects for developing sugar in this area. At the moment, there are about 1,200 acres of sugar being grown and the existing four jaggery factories are probably not able to absorb even that amount of sugar. Everything will depend, therefore, upon combining a project for a sugar factory with the very considerable expansion of sugar-cane planting which would be required to keep such a factory running. This would call for financing on a large scale, probably upwards of £2 million or £3 million, at the very least. As hon. Members know, this sort of money is not easily found, but I can assure the House that the Government is doing its very best to bring in prospective investors on this scale. It would be impossible, of course, at this juncture, to guarantee that they would go to Mumias, although I would regard this as an important area.

The Ministry of Agriculture actually deals with the question of growing sugar-cane for industrial processing. I am therefore discussing this matter now with my colleague, the Minister for Agriculture, who is as sympathetic as I am regarding the request referred to in the question.

Mr. Khasakhaha: Mr. Speaker, Sir, arising from the Minister's reply, will he tell the House some of the difficulties to which he has referred and the reasons why three factories have been built in one area and people in Mumias have been left with sugar-cane in their areas, and they are not able to pay their taxes and school fees, etc.? Does he consider that one factory is enough?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, there seems to be two elements to the same question. We should not be resentful about the existing factories, so long as they exist in Kenya. What we should now consider is the question of an additional factory, the request coming from Mumias. We have set up a Committee, which is reporting right now, consisting of two Parliamentary Secretaries, to give us recommendations for additional sugar factories in Kenya.

Mr. Khasakhala: Arising from that reply, could the Minister tell the House how the people in this area are going to get rid of the sugar-cane at present in their *shambas*?

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, I have already indicated our awareness of the fact that according to the amount of sugar already produced in these areas, the factories are not satisfactory, and that is why we are now looking for the answer not only as to how we can dispose of the existing amount of sugar-cane, but if we want to produce more sugar, what kind of a factory to establish. As I have indicated we may require a factory of over £2,000,000 or £3,000,000, and that money is not easy to come by.*

Mr. Shikuku: Arising from the Minister's reply, is he aware that one of the members of his Ministry went to the area and told the people in that area that if they expected a sugar factory they should be able to contribute, but he never told them the amount.

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, Sir, I am not aware of any officer from my Ministry giving such a vague answer.

Mr. Shikuku: Arising from the Minister's reply, it appears that he is trying to deny the fact that one of the officers, his name is Mr. Beresford, visited Mumias Division recently on behalf of the Government.

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, Sir, the officer is well connected with my Ministry, but having known Mr. Beresford some time, I am sure that he is not a vague man, and he must have given more information than that.

Mr. Maitori-Itumbo: Mr. Speaker, could the Minister tell the House how soon he is expecting this Committee to submit their report to his Ministry?

The Minister for Commerce and Industry (Dr. Kiiano): We expect the report to be ready within the next two weeks. I should warn the hon. Member that the availability of £2,000,000 or £3,000,000 is something I cannot guarantee.

Mr. Mulama: Mr. Speaker, arising from the Minister's reply, will he assure the House that if we can get an interested investor to give us the several million pounds he asked for, we could accept it from foreign investors?

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, Sir, this sounds particularly

attractive, and I will be delighted to meet the prospective investor who is ready to grant us the £2,000,000 or £3,000,000.

Mr. Sadala: Mr. Speaker, will the Minister tell this House who are the three Parliamentary Secretaries who are interested in the creation of sugar factories?

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, I do not think that is necessary. I do not carry any notes with me, but I know one of them is the Parliamentary Secretary for Agriculture, and the other is my own, but I shall have to call my office to find out who is the third one.

Mr. ole Oloitipitip: Mr. Speaker, Sir, arising from the Minister's reply, when he told us that the money is not easily found and that he has already set up a Committee to investigate the possibilities of setting up a sugar factory, what is the use of setting one up, if money is not available?

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, this is because you cannot go looking around for money unless you know exactly what you want the money for. That is why we have the Committee to put down the requirements as far as production is concerned not only for Mumias, but for Kenya, and then we can go with specific proposals. You cannot go round asking people to give you money unless you can tell them what you want it for.

Mr. Barasa: Mr. Speaker, is the Minister aware that the delaying tactics of the Ministry since 1961 are becoming embarrassing to the communities outside Nairobi and Thika?

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, I did not quite hear the question. Maybe it is my own fault, but could the gentleman speak a little louder?

Mr. Barasa: My question was that the delaying tactics since 1961 of the Ministry is becoming a little embarrassing to the communities outside Thika and Nairobi.

The Speaker (Mr. Slade): Are you asking the Ministry to agree with that?

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, Sir, assuming that the hon. Member is not illiterate. The question refers to a Memorandum presented to me on 18th November 1963, and has nothing to do with the 1961 question.

Mr. Odoyo: On a point of order, is it in order for the Minister to call the Member illiterate when he asks a question?

The Speaker (Mr. Slade): I think the Minister was more cautious. He assumed that the hon. Member was not illiterate.

Mr. Mulama: In view of the Minister's reply, could he assure this House that if I am able to go to a foreign country to seek this capital required for the establishment of a sugar factory, he would allow me to do it?

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, I thought we were all first of all elected Members of our own constituencies, and if a Member has a way of helping his constituency he certainly ought to go and do something about it. If the hon. Member is not able to get a passport I shall ask the Minister for Information to give him a passport.

Question No. 67

TRAINING OF AFRICAN PILOTS

Mr. Komora asked the Minister for Works, Communications and Power if, in view of the recent gesture of the British Overseas Airways Corporation for training Africans as pilots, Government was going to introduce its own system to augment this matter?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. Yes, Sir, consideration is being given to the future needs of Kenya for both civil and military pilots. On the military side, two training aircraft have been offered to us by the British Government together with the loan of instructional staff. The East African Common Services Organization are examining with East African Airways the problems of training of African pilots for airline operation. In addition we are pursuing an offer from India for the training of aircraft engineers.

Mr. Khasakhala: Mr. Speaker, Sir, could the Minister assure this House that we will have no back-door entries?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, unless the hon. Member is able to explain what "back-door" he means I will not be able to give that assurance.

Mr. Khasakhala: Mr. Speaker, Sir, the present trainees in the Air Force are those who were trained privately in Israel and have not been

trained here. Could the Minister assure us that training will now be open for application and all people will be given a chance to apply for all vacancies and that Members will be allowed to send over their representatives from their own areas?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, the pilots who have come back from Israel went there on private initiative. The normal ways of advertising—these vacancies—is to advertise through the Press and so on, and this will be carried out throughout Kenya.

Mr. Ngala: Mr. Speaker, Sir, arising from the reply by the Minister, can the Minister explain to us what he means when he says they are "pursuing" an offer from India, and secondly, could he explain when the schemes by the East African Common Services Organization will be out?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, the Government of India has made an offer to train African engineers for aircraft, and I said that we are pursuing this matter. Until we are satisfied that the training will be beneficial to Kenya, we cannot give a definite answer, but we think we may be able to do so by April or May. Secondly, the Communications Committee have sent a delegation to Ghana and Nigeria to study the training of pilots in those countries. They will make their recommendations to us and those recommendations will be sent to the Authority.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Minister assure the House that as our country is developing rapidly any of the Kenya students who might have been trained overseas in something, but have not been completely trained, to enable them to work, would be trained as a matter of priority. This particularly applies to these boys now being trained from Israel.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, there are quite a lot of Africans from Kenya training as pilots overseas. When these come back they will have to be considered to see whether the training they have received is good enough for training here.

Mr. Mutiso: Mr. Speaker, Sir, arising from one of the Minister's replies, since we understand that East African Airways is a Corporation, could the Minister tell this House what method is employed for selecting the students who are training as pilots with East African Airways?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I have just said that these are advertised to the public in the usual way. East African Airways are already in the process of recruiting Airways who are interested in this.

Mr. Mati: Mr. Speaker, Sir, arising from one of the Minister's replies, could he tell the House which other countries, if any, have offered facilities for training pilots?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, as far as I know officially, the United Kingdom has offered to train some of these pilots through British Overseas Airways Corporation and British Airways Corporation.

The Speaker (Mr. Slade): I would point out that this question is concerned with the Government introducing its own system of training.

Mr. Shikuku: Arising from the Minister's reply, could he tell the House how many trainees are being trained to be pilots so far, and can he give us a breakdown of the students?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, we have only five students who are training as pilots in Nairobi, but we have also suggested that we should send six students to study overseas, and this will probably be two from each of the East African countries, Tanganyika, Kenya and Uganda.

Mr. Ektella: Mr. Speaker, I would like to ask the Minister how many students he has that are pilots in Kenya?

The Speaker (Mr. Slade): Order, order, the Minister has just replied to that question.

Mr. Ngala: Mr. Speaker, Sir, arising from all the replies by the Minister—

The Speaker (Mr. Slade): Order, order, we must hear the question and answer.

Mr. Ngala: Mr. Speaker, Sir, arising from all the replies by the Minister, will the Minister agree with me that the Government has not its own system to augment this matter?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I do not agree with the hon. Member at all. I have already told him that we are going ahead with schemes to train pilots.

Mr. Masinde: Mr. Speaker, Sir, arising from one of the Minister's replies, could the Minister assure this House that in future the selection

for the pilots of Kenya will be placed on the existing regions?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, the applications will be accepted from all over the country, not from any region.

Mr. Komora: Mr. Speaker, Sir, would the Minister also tell the House what qualifications the students are required to have?

The Minister for Works, Communications and Power (Mr. Mwanjumba): The students are required to have a School Certificate with a good pass in mathematics and science.

Mr. Khasakhala: Mr. Speaker, Sir, could the Minister tell the House whether this scheme also includes women pilots?

The Minister for Works, Communications and Power (Mr. Mwanjumba): If a lady is interested in being a pilot probably she would be included

Question No. 79

CONDITIONS IN KAKAMEGA HOSPITAL

Mr. Muruli asked the Minister for Health and Housing if, in view of the fact that Kakamega Hospital was the responsibility of the Central Government, the Minister would take steps to improve the conditions of this hospital in order to keep it up to the standard of other hospitals of the same status?

The Minister for Health and Housing (Dr. Munga): Mr. Speaker, Sir, I beg to reply, Kakamega General Hospital is not yet up to the standard of the other regional hospitals. It is deficient in X-ray equipment, electricity, nursery facilities, and operating theatre. It has also a shortage of trained staff in the area. My Ministry is very concerned with this and we would like to improve it as soon as possible. The reason for this status is that Kakamega General Hospital was not the responsibility of the Central Government before 12th December, but it is now and we are going to take steps immediately to improve the deficiency that is found in the hospital. For the time being we have requested that specialists, one in surgery, one in medicine and one in maternal and child welfare, should be placed in Kakamega General Hospital. The only other hospital that is roughly of the same standard is Machakos General Hospital.

Mr. Muruli: Is the Minister aware that there is only one medical officer in Kakamega? Is that enough?

Question No. 81

ROBBERY WITH VIOLENCE: PENALTY

Mr. Makokha asked the Minister for Justice and Constitutional Affairs if, in view of the fact that robbery with violence was prevalent even in the rural areas, the Minister would review the penalty imposed on people who committed such offences and consider introducing sterner laws dealing with crimes of this nature?

Mr. Masinde: Mr. Speaker, Sir, could the Minister tell the House how soon he is going to improve the situation in Kakamega because at present it is very badly off?

The Minister for Health and Housing (Dr. Munga): Mr. Speaker, Sir, I have just said, as soon as possible, and right now we have advertised the posts for three specialists, one a surgeon, one a medical, and the other a specialist on child welfare. As soon as we get them we are going to place them in that hospital and then, as soon as we have the funds, probably next year, we shall start on the others.

Mr. Muruli: Is the Minister considering raising the number of trainees at Kakamega to seventy instead of the present number which is about thirty?

The Minister for Health and Housing (Dr. Munga): We are considering raising the number of trainees but I cannot tell you to what number. This is not only in Kakamega Hospital but also at Machakos General Hospital which has the same status, and we are trying to improve them both. They both have priority as far as regional medical services are concerned.

Mr. Shikuku: Arising from the Minister's reply, you say you are considering this, but when are you going to do it?

The Speaker (Mr. Slade): Mr. Shikuku, the question must not be directed in the second person; you mean when is the Minister going to do it?

The Minister for Health and Housing (Dr. Munga): Mr. Speaker, Sir, the question has been answered.

An hon. Member: Will the Minister tell this House what plans he is making since the medical department is very poorly staffed all over the country. What plans is he making so that by 1970 or 1990 we are going to be self-sufficient?

The Minister for Health and Housing (Dr. Munga): Mr. Speaker, Sir, that has nothing to do with the specific question.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. The Government is aware of the situation referred to by the hon. Member, and the question of the necessity to provide for more severe penalties is at present under consideration.

Mr. Makokha: Mr. Speaker, is the Minister aware that the people of this country, except the thieves, think such a law is very much overdue?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I am not aware where the hon. Member met the thieves to get their opinion. However, I assure the House that steps will be taken to introduce severe punishment for robbery with violence.

Mr. Gatuguta: Mr. Speaker, Sir, could the Minister tell this House how soon this legislation is likely to come up?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I am hopeful that in the next few weeks it will be possible to take appropriate action.

Mr. Balala: Mr. Speaker, Sir, can the Minister tell this House what kind of severe punishment he is proposing?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the present legislation provides for various sentences of imprisonment with hard labour, and we are going to review this sentence—of course the House must understand that the most legislation can do is to lay the maximum. The Courts must administer these sentences and the magistrate must decide on the merits of this case how far they should go to the maximum. We are going therefore to review the maximum, and hope that there will be severe sentences. We are also thinking of the possibility and in fact we have decided that we should introduce corporal punishment for any crime of robbery with violence.

Mr. Masinde: Mr. Speaker, Sir, is the Minister aware that the principal punishment is not imprisonment, as when a person is in prison he is only a cost to the taxpayer in this country?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, if imprisonment is disapproved as a punishment, then it will be very difficult to find any punishment with the kind of finality which the hon. Member is looking for. Perhaps he is considering that we should hang them. However, Sir, the purpose of Government in giving punishment is twofold. Not only to punish but also to reform, and our hope is that our system will be one in which people who have done wrong in the past can be reformed to become honest and useful members of the public in the future. This is what we intend to do. Corporal punishment will be used where this is deserved and, in coming to this decision, we have been most reluctant because in most cases we should be moving away from corporal punishment, but we think that, due to the increased incidents of this kind of crime, it is perhaps justified to do so at the moment.

Mr. Anyieni: Mr. Speaker, Sir, is the Minister aware that cattle raiders who raided European cattle are given higher punishment than those who raided African cattle?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I am not aware that there is any discrimination by the courts in dealing with offenders. As far as the courts are concerned, if a person commits a crime it does not matter what the colour or the race of the person against whom the crime is committed or for that matter the colour or the race of the person who commits the crime. As far as the Government is concerned, offenders will be punished according to the merit of the particular offence they have committed.

Mr. Mutiso: Mr. Speaker, is the Minister aware that gambling, particularly around Nairobi area, is run by some of these thieves, and as such it is important that it must be outlawed?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I am not quite sure that that comes in the scope of the question, but all the same I will say that any person who commits a crime, whether he is associated with gambling or a crime of robbery with violence, he will be dealt with accordingly.

Mr. Seroney: Mr. Speaker, would the Minister not agree that there is already provision for corporal punishment in crimes involving violence?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Yes, Sir, there is provision already but we are reviewing the scope of this whole legislation, and also the instances in which corporal punishment is permissible. We think this can be extended and we intend to do so.

Mr. Jahazi: Mr. Speaker, can the Minister tell House how far this system of reforming thieves has met with success in this country?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I referred to the aspect of reform in our own prison system not only as far as thieves are concerned but all offenders, and although it does not come immediately within my portfolio, my information is that the majority of our prison population are first offenders. The number of people who have come back to prison is very small indeed.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies by the Minister, in view of this matter, if the Minister finds that robbery with violence is due to unemployment or hunger, is he prepared to reduce the sentences instead of increasing the maximum?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, do I understand the Member to suggest that he would be quite happy to have his house broken into providing the person who broke into it was unemployed, because if that is not the case then I think, even though we may understand the circumstances that may drive people to commit crimes, the approach of the Government is to try and deal with these other aspects of the problem separately, but crime must be punished, for to accommodate criminals for whatever excuse, could not help us to create the kind of society we wish to have.

Mr. Murgor: Mr. Speaker, Sir, would the Minister tell us that among these severe punishments which he referred to, could he give us an indication that those habitual criminals will be put in prison in North-Eastern Region on the lines of Dartmoor in England?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I am quite satisfied that those who are habitual criminals are being dealt with most satisfactorily under the present arrangements, but again emphasize that our purpose is not to accept defeat in reforming criminals. Our whole purpose is to discover means and ways always to improve our whole system until we can reform all of them.

Question No. 89

NUMBER OF FARMS SOLD AND AMOUNT SPENT ON SETTLEMENT

Mr. Lorema asked the Minister for Lands and Settlement if he could tell the House the total number of settlers who had sold their farms up to now in the whole country and in particular in the Kenya Highlands, and what amount had been spent and how much was left out of the sum offered and allotted by the British Government for land settlement?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. It is impossible to express the answer to this question accurately in terms of sales by European vendors, as these reflect farms which may have changed hands twice or even thrice between Europeans. It is possible, however—and I think that this is the hub of the hon. Member's question—to express the answer in terms of the rate at which land in the old Scheduled Areas has changed from Europeans to Africans and Asians since March 1961.

So far the Central Land Board has bought 611 farms, 139 are compassionate case farms with regard to which the position is approximately as follows:

	No. of farms	Acreage	Cost to C.L.B. £
Sold to Africans	80	73,912	1,028,678
Sold to Europeans	25	22,574	198,494
Sold to Asians	4	2,445	42,251
Awaiting sale	30	15,877	149,072
	139	114,808	£1,418,495

It should be noted that priority is given to African applicants for compassionate case farms and that in many cases these farms have been sold to groups of Africans as opposed to individuals.

The remaining 472 farms, comprising 685,049 acres bought by the Central Land Board at a cost of £5,377,750 have been or are about to be settled by African settlers.

As regards private transactions which do not come within the aegis of the Central Land Board, approximately 307 farms comprising approximately 100,358 acres have been sold to African farmers, in many cases to groups of such farmers, by private vendors since March 1961.

So far £7,796,245 of the land purchase money offered by the British Government has been spent. A balance of £4,121,103 remains, this balance being already committed to the remainder of the

estimated 1963/64 purchase programme and to the estimated 1964/65 purchase programme.

Mr. Lorema: Mr. Speaker, could the Minister tell the House how many of these farms were bought on a co-operative basis? Secondly, would the Minister tell the House whether the 1,000,000-acre plan has been covered by the loan which was offered by the British Government?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I have read the answer very slowly so that the hon. Member could understand me, and if he had been listening carefully, he would have heard my answer to the question. Eighty farms have already been bought by African farmers on a co-operative basis.

The Speaker (Mr. Slade): Hon. Members must wait until a Minister has sat down, and you must sit down now until I call you.

Mr. Anyieni: I thought the hon. Member asked two questions, and the Minister has only answered one.

The Speaker (Mr. Slade): If the Minister does not answer the whole of the question, or a part of a question, or another question, some hon. Member can ask it again, or the same hon. Member can ask it again. There is no need to raise a point of order on it.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, the 1,000,000-acre scheme is not quite completed.

Mr. Ngala-Aboki: Mr. Speaker, Sir, would the Minister tell us in simple language now how many settlers have sold up their land in the whole country, with particular reference to the Highlands. I want it just in figures, so many settlers in the Highlands, and so many in the whole country, that is what I want to know?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, I have not got the proper figures, but it is based on the willing seller, willing buyer basis.

Mr. Khasakhala: On a point of order, Mr. Speaker, is it in order for the Minister to evade a question which is asked? For example, this question refers to a direct number of settlers who have sold their land.

The Speaker (Mr. Slade): It is quite in order for a Minister to evade or even refuse to answer a question. The only thing is that if Ministers evade or refuse to answer questions too often, they may cease to be Ministers by and by.

Mr. arap Moi: Mr. Speaker, Sir, is the Minister aware that many of the farms which most Europeans have abandoned are in the hands of Dalgey's or some other auctioneers, and that Africans who would like to buy these farms are unable because they require 80 per cent of the purchase price. Will the Government consider urging the British Government to consider increasing the money, to enable Africans to receive loans of up to 90 per cent of the purchase price, to enable them to buy these farms?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, this matter is under consideration with the British Government.

Mr. ole Tipls: Mr. Speaker, Sir, can the hon. Minister please tell us the balance outstanding from the one million acre plan to be completed, and the number of farmers he referred to—611—who have been bought out and at the same time allowed to buy land elsewhere in other parts of the country?

The Speaker (Mr. Slade): I do not want these double supplementary questions. You must ask them separately, or they will confuse the Minister and everybody else. Put the first one again.

Mr. ole Tipls: The first one, Sir, is: Can the Minister tell us the balance outstanding in order to complete the one million acre plan?

The Minister for Lands and Settlement (Mr. Angaine): Approximately 300,000 acres, which is in the process of being purchased.

Mr. ole Tipls: My second question is: can the Minister tell us how many out of the 611 farmers he referred to earlier, who have been bought out, have been allowed to purchase land elsewhere in another part of the country?

The Minister for Lands and Settlement (Mr. Angaine): Repeat your question, please.

Mr. Arermani: On a point of order, due to the Minister's unsatisfactory answers, why does the Minister not direct the question to be answered by the Parliamentary Secretary? I seek your guidance.

The Speaker (Mr. Slade): That is not a point of order. Unless you learn very soon what is or is not a point of order, you may find yourself asked to leave the Chamber as the hon. Member was yesterday.

Mr. ole Tipls: On a point of order, Mr. Speaker, I thought the hon. Minister asked me to repeat my question to him.

The Speaker (Mr. Slade): Quite right, please do so.

Mr. ole Tipls: If my hon. friend the Minister could listen carefully and attentively, I have the honour to repeat it. The question is: out of the 611 farmers he referred to in answer to a supplementary question, would he tell the House how many of these farmers have been allowed to purchase farms in other parts of the country?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I cannot give a definite number now, but I can give it later on in writing.

Question No. 91

NATIONAL AND REGIONAL AUTHORITY ROADS

Mr. Maisori-Itumbo asked the Minister for Works, Communications and Power whether he could tell the House which roads were going to be maintained by the National Road Authority: the Regional Road Authorities.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. The Central Road Authority will be responsible for the national and international trunk roads throughout the country. The Central Government will provide funds for their maintenance. Generally, the maintenance will be carried out by Regions on an agency basis; but the Central Government can employ any other agency if it so wishes. These will include all international trunk roads and national trunk roads, in addition to any other that the Minister for Works, Communications and Power, on the advice of the Central Road Authority, may declare to be trunk roads. The Regional Authorities will be responsible and will provide funds, for the maintenance of secondary and any other roads which are not trunk roads.

Mr. Maisori-Itumbo: Mr. Speaker, can the Minister tell the House how many roads are in Nyanza area (a) and how many of those are under (b)?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, I could do that but it will take quite a long time. If the Member wishes me to do so, I can give the names of the roads in writing.

Mr. Khasakhala: Mr. Speaker, Sir, in view of the fact that this question needs a detailed reply: could we ask the Minister to give the House a written reply on this question?

The Minister for Works, Communications and Power (Mr. Mwanjumba): I will do that, Mr. Speaker.

The Speaker (Mr. Slade): If you are getting a written reply we cease to have an oral reply, and we have finished for today.

Mr. Anyien: I do not know whether this is a point of order, Mr. Speaker, but I would like the Minister for Land Settlement, since he read a long, long reply, if he could, to give us a reply in writing for Members.

The Speaker (Mr. Slade): It will be in HANSARD, and also Mr. Lorema has already been given a copy of the original reply.

Mr. Maisori-Itumbo: Mr. Speaker, I would like to seek your guidance. This question has been with the Ministry for three months, and the Minister should have had a proper chance to give replies to the Chamber. I wonder if it is proper for the Minister to evade again the question.

The Speaker (Mr. Slade): It is contrary to Standing Orders that Ministries should sit on questions for more than ten days beyond the time when this House sits, or after the time they have received the question. Some allowance must be made for the Government on this occasion, because there has been an enormous flood of questions. Also, an enormous pressure of other work, but I do ask Ministries to take this Standing Order seriously. It is ten days from the time of receipt of the question, or when the House first sits again, whichever is the later, the question should be answered.

As regards this particular question, it is quite true that it was not Mr. Maisori but some other Member who suggested that the question be answered by written reply. That is not normal after it is set down on the Order Paper for answer as an oral reply.

Mr. Gachago: On a point of order, since the written reply may not cover all the supplementary questions which would have sprung up out of the main question, would it be out of order if you ruled that we continue with supplementary questions, pending the written reply on the overall question?

The Speaker (Mr. Slade): I do not think the hon. Members can have it both ways. You will not get any further on this question today, if we are to award a written reply.

The Minister for Works, Communications and Power (Mr. Mwanjumba): On a point of information, Mr. Speaker, it was only this morning that

I received this question in the Ministry, and it is not fair to say that I have been sitting on it for the last three months.

The Speaker (Mr. Slade): I think we shall have to go into this and see where the fault lies.

QUESTION BY PRIVATE NOTICE

REGISTRATION OF UNEMPLOYED

Mr. Ngala-Abok: Mr. Speaker, I have a question by private notice to ask, but the Minister who promised to answer it is not here although the Parliamentary Secretary is present. I would have liked to know whether a written reply is going to be placed in my pigeon hole before I put the question to the Parliamentary Secretary.

The Speaker (Mr. Slade): I do not think I follow your point, Mr. Ngala-Abok. You have a question by private notice?

Mr. Ngala-Abok: Yes, Sir, and the Minister promised that he would come to reply to it, because he had to produce some figures. The Minister himself is not here and yesterday was the day when I would have asked this question, he was not here. Now that we have got the Parliamentary Secretary here, may I know, before I ask this question whether I shall get a written reply in my pigeon hole, so that I may ask the question. Otherwise I will wait for the Minister.

The Speaker (Mr. Slade): I do not understand about the written reply. A question by private notice is always answered verbally. It is accompanied, actually, by a written copy of the answer, that is all.

I think the only question is whether the Parliamentary Secretary is ready to answer this question, of which presumably he is aware.

Mr. Kamau: Mr. Speaker, Sir, on a point of order,

The Speaker (Mr. Slade): I think we will deal with this one first, thank you, Mr. Kamau.

Is the Parliamentary Secretary here? Yes. Are you prepared to answer?

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Yes, I am prepared to answer the question.

Mr. Ngala-Abok: The question is, with reference to the present scheme for absorption of the unemployed, would the Minister state by what principles the priority of registration of work-seekers is determined? In other words, what priorities will be given to the district registrations?

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, I do not know what the hon. Member means by priority, but what we have done in the Ministry of Labour is this: those who have been looking for jobs for the last two years or so, and who have been in our registration books for one or two years, have been given card A, and this signifies first priority in employment. Secondly, those who have registered six months to a year ago, have been given Card B, and those who have been looking for jobs for about two weeks have been given Card C or D.

Mr. Ngala-Abok: How does what the Parliamentary Secretary said agree with the statement made by his own Ministry that priority would be given to those who register in their own areas?

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, that means the priority of employment and it does not matter where you register. You will be given either a Card A, B, C or D, wherever you register.

Mr. Ngala-Abok: Is this a change of policy because I have the statement, I have the evidence?

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, I do not know what statement he is referring to.

Mr. Ngala-Abok: Mr. Speaker, the statement was to the effect that to stop people from trekking to town, his Ministry asked them to stay at home and register there, but when it comes to employment, priority would be given to them because they stayed in their home areas, and this is the understanding outside.

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, this is a wrong interpretation of the statement.

Mr. Bomett: Mr. Speaker, Sir, since the work seekers who come from rural areas were not able to register two years ago, or six months ago because they were not able to go to Nairobi or Nakuru or Kisumu where the labour offices are, would this not be discriminatory against the rural workers?

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): No, Sir. Job seekers, regardless of where they live, who have been looking for jobs in places of employment have already registered and we had quite a number of them in employment exchanges up to three months ago. These people who had

registered early have been given first priority. In order to cater for the number of work seekers in the rural areas, we have tried to establish new employment exchanges elsewhere in the country. We have them in the big towns and also in the district headquarters.

Mr. Murgor: Mr. Speaker, Sir, would my colleague, the Parliamentary Secretary, agree with me that this Government always thinks in terms of towns and not rural areas, in all aspects?

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): No, Sir.

Mr. Dingira: Mr. Speaker, Sir, would the Parliamentary Secretary assure this House that the rural area people will not be deprived the right of employment by people who register themselves in the towns or cities?

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): I have already said that people will not be deprived in the rural areas. All work seekers will be treated the same according to priority.

MOTION

WITHDRAWAL OF COFFEE-GROWING BAN

Mr. Masinde: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT this House, being aware of the need for cash crops in African areas in this country, calls upon the Government to withdraw its notice banning the further growing of coffee in this country, in order to give a chance to the African farmers to increase their acreage of coffee.

Mr. Speaker, Sir, I do not want to take a long time over this Motion. I want to put it across to the Government so that we can get a clear assurance of the Government's intention of the arrangement of how we are going to stabilize our economy in this country. Coffee is one of the important cash crops, and in the past it has all been handled by European farmers, and Africans had very little chance to make use of these cash crops. Since Kenya is independent, we also have to be very careful and handle this type of crop in a proper way so that the African will have a proper voice in the economic stability of this country.

Mr. Speaker, I would like to give an example. We had a Coffee Board which previously consisted only of Europeans, and they knew that coffee was a crop which paid. Because of this, Africans were deprived of growing coffee. I

[Mr. Masinde]

was only a few years ago that Africans, particularly those in my area and my constituency, were allowed to grow coffee, and then no person, no farmer, could grow more coffee than 300 trees. It is because of this, that I think that as we have now got our Government, it is for this Government to see which is the best way of uplifting the standard of living of the Africans. Without cash crops, an African will remain there for many years. It is because of this that our Government must afford to protect the big estates. The more they continue protecting the big estates, the more problems we have because an African who has four or five acres cannot afford to live unless he has something on that farm which will give him some money at the end of the year. Things like maize are not economical and are not regarded as cash crops. A person who can grow maize and get money from it generally has a farm of about 1,000 acres of land, but a person who only has a few acres cannot make anything from growing maize. This is the reason that I want the Government to make it clear in this House that we have problems. I realize this. One of the problems we have is with the world market. While I deny the right of Government banning the further growing of coffee, I know that they are not actually banning those who have been deprived in the past. This is not what we want. What we want to avoid is the old thing where Kenya has lived on European contributions. It was the European farmers who contributed to the economy of this country. Today, you do not know which European is ready to live in Kenya and continue contributing. Again, those Europeans or farmers who had coffee were only concentrating on some particular areas and, because of this, some regions have suffered.

If you take a look at Kiambu County Council, it is rich because they have coffee, some big estates, and the Europeans have not left some of the areas. But in other areas, the Europeans have gone away, and whatever they were planting became bush, and if you are an African you cannot pull that up. What I want is the Africans who have smallholdings to be given a fair deal so that they can continue to grow coffee.

Mr. Speaker, Sir, if I may elaborate on that a bit, according to my suggestion, when we have a cash crop like this, the problem which faces us is the climatic conditions. The Minister is also aware that there are some areas which he did not look upon before, but he knows that all those areas which were deprived from growing coffee before have proved that they can do so. How do you go about it with regard to the world market?

I think the way to go about it is to reduce the number of old trees, while the Ministry is talking over the position with the world market to get our quota increased. This is what the Minister is going to do. But coffee is a long-term crop, for the simple reason that when you plant coffee today you do not expect to get it tomorrow. It takes about three years, but if the old trees are kept they have now almost lost their value of production. This will mean that in five years' time, we will fail to fulfil our quota which we are given on the world market. I look at this because those Europeans who still have coffee, and are protected by this Government, know that in the next four or five years their trees will not be bearing as much as they do now, and that is when they will come to the Government and ask if they will buy their farms knowing very well that they have made use of all the coffee and that there is nothing left. This is why I think all the Europeans are still in Kiambu, despite people who said Europeans must go, but they are still there. In some areas they have run away, and those areas were those where they were being given trouble.

Mr. Speaker, they are still there because of the good return on coffee.

An hon. Member: Perhaps they have become citizens.

Mr. Masinde: There are very few at present who are actually Kenya citizens. I will not go back to that, but that is a suggestion. As I said, in the past only cash crops would enable this Government to combat the problem with which we are faced and that is unemployment. Now you have people who are fighting like anything. Some of them, for your information, have farms, but because these farms cannot supply them with enough money to live on, they run to Nairobi to get employment. There is no doubt about this. I represent a constituency and know it is happening. Here, some of you who have been working, have also got smallholdings, but you did not live on them because you have no cash crops.

Mr. Speaker, Sir, I think the question which is worrying the Government mainly on this issue, is how they can manage outside, but I do not think this is going to dictate Kenya. What I think has got to dictate the continuation of growing coffee in this country is that at present everyone in the world is interested in Kenya. Why cannot we now condition whoever is interested in Kenya? We are asking you to drink coffee. This is one of the failures of our Kenya Government, and even in this House and the Coffee Marketing

[Mr. Masinde] Board is failing in this. They have failed to employ people and to tell the man in the street that he should drink coffee. If you drink coffee you are promoting its sale and this is the challenge to the Coffee Marketing Board. Even here, some hon. Members have failed to pronounce the word for coffee—*kahawa*—and they still call it *chai*, just because that word is on their lips all the time. If it is coffee time, they still say that they want tea. Mr. Speaker, Sir, we have lost our quota because of the few individuals who are sitting in the offices of the Coffee Marketing Board. It is a challenge because we do not see a mobile canteen campaigning for coffee and so on. The reason why they sell more tea is because they use propaganda, and this is what we have to do. This is our exact quota: 25,000 tons. You will find in three years' time, if we use proper propaganda machinery, Kenya alone will consume 25,000 tons. The population of Kenya is multiplying, but we are not making use of the people.

Mr. Kamunde: How many cups have you had today?

Mr. Masinde: I have had three.

Mr. Speaker, Sir, this is the case, and I do not want to dwell on it very much. I wonder if Government realizes this issue, and when I go back, the reason why I say that some county councils have suffered is this: with the cash crops in the country, and the quota going only to one place, it means that it is only that district which will advance. They are the ones to benefit from the quota allocated to the whole country, and it goes only to one place. I have experienced this, because in my own district of Kakamega, there is first-class land and a first-class climate for the growing of coffee, but we have no quota, we are not privileged to grow coffee. Because of this, our county council has suffered. We have nothing with which to pay our rates and taxes; the council cannot raise the revenue to assist any project. If this could be spread all over the country, if the quota allocated to the Kenya Government were divided all over the country according to the areas which can grow it, then we shall develop this country equally, and not be just concentrating on one place.

Mr. Speaker, this is one of the things I want the Minister to explain to us. I hope we will get a straight answer as to what he is going to do. In the past, when I spoke on this Motion before, he mentioned that they are setting up a committee to investigate this matter. Why did the Minister not think of setting up this committee

before they issued this ban? This ban has harmed some of the farmers.

I know of one farmer who made 4,000 holes for coffee, and he spent about Sh. 7,000 in preparing them. Now all that money has gone just like that. Here I would like to raise the question of asking Government to compensate such people, because they were told to work hard to prepare this and that, but after a week, without Government sending out a team to investigate the problem, they just sat in their office and published a paper which was the law. The Regional Government Agents went to a *baraza* to tell the people about this, they said, "You understand, now you give up planting coffee". The people do not know where to complain with regard to this situation in which they have been put. Government has to realize this: this is an elected Government, an African elected Government, and they must realize that it is not a question now of pleasing individuals, but one of uplifting the standard of living of the Africans. The only way to do that is to concentrate on African farmers, because that is the only industry which makes up the population of Kenya. It is not the workers in industries.

I said this when I was talking on the pyrethrum problem. The Ministry of Agriculture is the only one which can ruin or help the economy of this country.

Mr. Kamunde: Are you suggesting that the Ministry of Agriculture is trying to ruin the economy?

Mr. Masinde: Mr. Speaker, I am not actually suggesting that. May I put my case across, please?

I say that the Ministry of Agriculture can ruin this country, and it is the only Ministry on which we rely. In the past, the Ministry was in the hands of Europeans, and there were other people who made use of all cash crops. Coffee was one of them, sisal, pyrethrum, and all these cash crops, and they grew all the important cash crops. That is why they went on to say that it is we who are contributing to the economy of this country. Today, we must change the slogan, and feel that it is the Africans now who are contributing to the economy of Kenya. The way of doing this is not to ban the further growing of coffee, because the people you are protecting are those Europeans who were privileged to plant coffee when an African had no say in this country.

Mr. Speaker, Sir, with these few remarks, I think the Parliamentary Secretary and the other hon. Members who sometimes plant coffee are listening and may be concerned with the marketing. I have told the House clearly what is the

[Mr. Masinde] challenge to the Ministry, and I hope we shall get a proper reply and a decision, particularly with regard to how we are going to handle this serious situation.

Mr. Speaker, Sir, I beg to move.

Mr. Ngala: Mr. Speaker, Sir, I beg to support this Motion. I do so because it asks for two very simple things. First, it asks Government to withdraw their notice which bans the further growing of coffee. Secondly, it is asking for the Africans growing coffee to be given a chance to increase their growth. I think this is an appropriate and fair request to be made by the hon. Member, particularly in view of the fact that Kenya is mainly dependent on very few cash crops, and coffee is one of those cash crops on which Kenya is dependent.

I think the hon. Parliamentary Secretary, who is charged with the duty of replying, is fully aware of the situation. When he went to America, he failed to put Kenya's case in the world conference on coffee. But fortunately—

The Parliamentary Secretary to the Treasury (Mr. Kibaki): On a point of order, is it in order for the hon. Leader of the Opposition to charge falsely that the hon. Parliamentary Secretary went to America when in fact he did not go and was not even a Parliamentary Secretary?

The Speaker (Mr. Slade): Hon. Members should try to get their facts right, but if they are wrong they can be corrected by other speakers in due course. The right of interruption is limited really either to the cases of points of order, when hon. Members misrepresenting what has been said by somebody else or are required to substantiate allegations, or where on a point of information the Member is prepared to give away.

Mr. Ngala: Mr. Speaker, Sir, is that a point of order?

The Speaker (Mr. Slade): Not actually a point of order, no.

Mr. Ngala: I am glad, Mr. Speaker, that it is not a point of order. However, I would like to make it quite clear that the hon. Mr. Kamunde is the person to whom I was referring, who went to America and who failed to put Kenya's case up for a further quota of coffee. But very fortunately the situation has changed. Sir, floods have helped us in Brazil. I understand that 1,500,000 acres of coffee have been destroyed by floods in Brazil and the reason for our limitation in Kenya was that Brazil was growing so much

coffee. Now, the situation having changed—and thank God that nature has done this, although it is not so fortunate for Brazil, but it is fortunate for Kenya—this way, can the Government consider resubmitting the case for Kenya so that Kenya can grow more coffee to replace the 1,500,000 acres that have been destroyed by floods in the country of Brazil? I am quite sure that the other countries in the world that grow coffee will appreciate the need for Kenya, and indeed many are under-developed countries economically, to take her proper place in the marketing system of the world's cash crops. I think this is a point which should be taken up by the Government of Kenya so that more coffee can be grown in the African areas.

My second point, Sir, is that coffee grown by Africans has been the best in Kenya. These are reports from the Minister himself. From time to time he has got up on his feet and told us this, and since this coffee is so good in quality—the coffee grown by Africans—I think an extension of such good coffee being grown would not destroy the market overseas. Perhaps the Minister would have a point if he said that bad coffee would be grown, but the Minister himself has agreed that African coffee is better grown, better supervised and that Africans are producing a better quality of coffee, and therefore I think an expansion of such growth would just mean an expansion of good quality coffee, and there would be no danger of undergrading the coffee that would be grown in this area.

I think these are valid points that I am making and it is no use for the man squatting on the Government Bench there to just laugh at me. He should be serious because this is a very serious economic proposal.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Orogoo): On a point of order, is the hon. Leader of the Opposition right to call an hon. Member on this side of the House, "that man squatting on the Government Bench"?

The Speaker (Mr. Slade): No.

Mr. Ngala: Mr. Speaker, Sir, I would like to make it quite clear—

The Speaker (Mr. Slade): I think you should apologize.

Mr. Ngala: Mr. Speaker, Sir, I withdraw if they wish me to.

Mr. Speaker, Sir, I believe I have made two very valid points; first, the flood that has destroyed so many acres and, secondly, the African is growing very good-quality coffee. The third point I

would like to make is this. I think the Kenya Government has failed in one aspect and that is in looking for markets. They have always depended on West Germany and I believe that now Kenya is free, the Government should go all over different countries trying to get more markets and, by finding the markets, we will be able to grow more coffee here in Kenya. The Coast Region is doing very well indeed in the buying of coffee, but I think we should go outside the Coast Region and get more markets. Mr. Speaker, Sir, I think such countries as have been visited recently by the Minister for Agriculture, China, Russia and all these countries, need our coffee and in many places of the world that I have visited I have never seen Kenya coffee being sold because of the lack of publicity in the London or Washington office, where Kenya is supposed to be very widely sold. I would urge the Government to see that, overseas, Kenya coffee is sold and that publicity for Kenya coffee is expanded so that we can go and get more markets and be able to spread the growth of coffee here in Kenya. Sir, I would like to quote a specific example of a district which is suffering and that district is the Taita District. The Taita District started growing coffee about four years ago and it has been doing very well and the leading co-operative society in the district is the coffee co-operative which is bringing in more revenue than any other co-operative society in the district. Now, late last year, circulars were sent out by the Ministry of Agriculture prohibiting the growth of coffee in that district which is just beginning to grow coffee. I think it is very unfair, and this being an African Government we should encourage African participation in the economic growth of the country. I am quite sure that the Minister will agree with me that there is no other way of the African participating more effectively in the economic life of his own country other than taking part in the agricultural industry. In trade and commerce, the Minister will realize the blocks and the obstacles that are there and these obstacles are blessed and induced and rubber-stamped by this Government. But this is the only way that the African can enhance the economic position in the country.

It is no use opposing because this comes from the Opposition. It is no use the Government opposing for the sake of opposing. We want the Government to be considerate and to take up this Motion favourably because it comes from a Mover who is very sympathetic and considers his constituency as well as other areas.

My fourth point that I would like to make, Sir, is that it is necessary that the economic

development, particularly the industrial economic development, in this country, should be balanced. So far coffee has been grown in one or two areas only in the country—that is on a large scale—but I feel that the other districts should be allowed to catch up. Having had my ten minutes, Sir, I would like to put my four points to the Minister for consideration. Thank you very much.

(Question proposed)

The Speaker (Mr. Slade): Mr. Kamunde, are you making the official reply because if you are, you are entitled to speak for thirty minutes.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): No, Sir, I am replying.

Mr. Kamunde: Mr. Speaker, Sir, I rise to oppose the Motion but not merely to oppose the Motion but to shame the Leader of the Opposition who said that I failed. He should have said that he failed. He failed at Cabinet level, when he accepted my report back from New York, yet he stands up here and says that I failed.

Mr. Speaker, this Motion has only been brought here for what I would call the purpose of groaning. In announcing the ban on coffee, by the hon. Mr. Odinga, the Minister for Home Affairs, it was put clearly to the whole nation that the Government was doing this only probationally. There are two very good reasons why the Government had to probationally ban the planting of coffee at this stage. Mr. Speaker, Sir, all that the Members of the Opposition have said could be summarized on the back of a postage stamp, and I believe that there would be enough room left for the Lord's Prayer. The whole thing is based on the law of demand and supply. All that the Leader of the Opposition reads about is what pleases him and he only puts forward what he thinks would support him in this House, and he leaves out what is useful to the people of this country. Mr. Speaker, Sir, it is true that I am wearing the coffee emblem because I love coffee and I drink coffee. Coffee is about one-third of our export from this country and it would be stupid for our Government to close its eyes to the future development. The Government did not ban outrightly the expansion of coffee in this country. All that the Government did was to comply with the present international situation. The hon. Leader of the Opposition has quoted that Brazil has had 14 million acres of coffee eradicated by floods. He does not even know that there were no floods in Brazil, all that they had was frost and this frost has only destroyed the trees that stand in the ground, it has not

(Mr. Kamunde)

affected the 54 million bags of coffee that Brazil has in stock. The whole situation which drove the Government to take a serious decision of this nature was this question of surplus. The hon. Leader of the Opposition was a Member of this Parliament—or the then Legislative Council—and he was in Government when the serious parts of the negotiations were going on. He was well informed at that time that Kenya was facing a downfall of prices, like many other countries, through this large surplus of stocks in Brazil and in other Central American countries. Mr. Speaker, if Brazil today decided to release even a quarter of the stock that they have, in conjunction with Columbia, our prices would not only drop to a serious state, but we should be unable to sell even half of what we are selling today. It is a fact that our coffee in Kenya is a special type of coffee which is of a special quality, and it is also a fact that we sell our coffee at lower prices than any other part of the world. This is one of the things that we must defend, not only the Government but you, in the Opposition also. We cannot allow these prices to come to an uneconomic stage. We must defend these prices to the producer.

Mr. Speaker, I do not have time to waste with people who do not have much in the head. Mr. Speaker, for the local market we are—

Mr. Masinde: On a point of order, Mr. Speaker, can I have your ruling on whether it is in order for hon. Members to refer to previous speakers as people who have not much in their heads?

The Speaker (Mr. Slade): I think the hon. Member is referring to your interjection rather than to any previous speech. Hon. Members who make interjections must expect rather rough handling sometimes.

Mr. Kamunde: I would like to inform the Mover of this Motion and his supporters that we sold our local consumption coffee at the expense of the producer of coffee today. Our present prices for local consumption are so low that they are not even considered, we call it subsidized coffee. We sell it at a price of £52 10 sh. a ton yet that same coffee would sell in Germany or even in the United States at over £250 a ton. But we subsidize so heavily to introduce coffee consumption in this country in parts like Kakamega. So, for the information of the Mover of this Motion, Mr. Speaker, the world consumption of coffee today stands at about six million bags. The world's production is roughly about 70 million bags, that is the coffee that is in stock today. This, the surplus bags of coffee, lie either in stores in Brazil or Columbia and, as a result

of having so much surplus, the leading countries of the world came to an agreement to try and balance the supply and the demand of this commodity. In doing that they had to set out quotas for selling on the world market for all the producing countries, including Kenya. One thing we should not do is expect other producing countries of the world to say to Kenya that we can continue producing as much coffee as we want, but that they will then have to destroy all their coffee. We have to participate in trying to reduce this surplus by agreeing to these quotas, but, Mr. Speaker, as far as I can see we have not been in any difficulty in exporting our coffee. All I can say is this and this is a clear-cut fact: in two or three years we shall be faced with this difficulty, we shall not be able to sell all our coffee in two or three years time and the Government had to take measures. If it is not so, Mr. Speaker, then the Mover of this Motion can stand and tell this House that he is prepared to go and plant coffee, but he will not be able to sell that same coffee. For the information of the House, nobody can be forced to drink coffee, if he wants to drink coffee he will do so, but nowhere, not even in Germany, can we force them to buy coffee. All we can do is to persuade them. For the information of the hon. Mover of this Motion, it is a disgraceful thing that the places he has referred to as having been banned from planting coffee, or having been stopped from planting coffee for many years, should produce the worst coffee that we have had great difficulty in selling here in Nairobi today, and I hope that the hon. Mover is going to take the responsibility of awakening his people and letting them know that the only thing that will sell in the world market, whether it is banned here or not, is the best possible quality coffee.

Mr. Speaker, facts have proved that what the hon. Member is talking about is not true. We must, as I have said, comply with international ruling, that supply and demand must work together and if all the world is over supplied with coffee all we expect is for the prices to keep on going down more and more, more and more, and we would be foolish, as a Government, to ask people to go on planting a certain type of commodity, whether it is coffee, pyrethrum or sugar, if we are not sure that we can sell it. This Government, before coming to this decision, sent out a delegation of Ministers to visit countries, even the countries of the East, and all we now know is that our expectations were not met, we could not sell as much coffee as we expected to the East and, therefore, the Government has taken the measures it considers necessary.

Mr. Speaker, Sir, I beg to oppose.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I was very glad to hear the speech by the last speaker who has an emblem of a coffee cup on his lapel. Somehow he seems to have forgotten that there are a number of us who have read a little bit about economics, and some of us a lot about it, and we know about the law of supply and demand. What I would suggest to the Government is this: that the law of supply and demand should not be exercised against Kenya. It is Kenya first, charity begins at home, although I quite agree that it should not remain there. I have a lot of sympathy, Mr. Speaker, with this particular Motion. Not only because it comes from my friend, the Member for Iurambi, but because of the historical background of the coffee-growing system in Kenya here. Very many years ago, when we were still in liquid form, the African started strongly campaigning—

An hon. Member: You are now in gas form!

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I am now in solid form! We started campaigning against the restrictions on African coffee growing. The African—as he was then called, the native—was not allowed to grow coffee and I think it was in about 1950, the late Senior Chief Maina Koinange, took this to the courts and I think it was the hon. Mr. Chanan Singh who gave the advice on this matter. The Governor's decision restricting the growing of coffee to Europeans only was declared *ultra vires*. Now, when the African started growing coffee in a small way, somehow, some people who lived in the coffee estates, managed to grow coffee and they have grown quite a large area, quite a few acres, particularly in Meru district. I would like to say this, that the Meru people should not be selfish and say that since they started growing coffee, others should not grow it. I would also suggest one other thing, that when this matter came up on a Motion on the Adjournment last year, it was said that the Government was persuading people with some of the old acres of coffee to reduce their acreage by cutting down some of the coffee trees and allowing other areas to grow it. I expressed on that occasion, Mr. Speaker, that that was just a pious hope; nobody is going to cut down his coffee to allow other areas to grow it. I would rather like to hear if my friend, the "economist" would be willing to cut down some of his ten acres so that we could have five acres in Ikolomani and five acres in Butere. I heard yesterday that there are some people who are black capitalists and it is some-

thing which people, especially socialists abroad like myself, have to guard against. The African expected that when we got our independence as we have it now, that we were going to get a number of things, among them opportunities of growing coffee and other cash crops. But this expectation is, unfortunately, falling to pieces. The Motion, as it is, just calls for the withdrawal of the notice banning this, and I tell you, Mr. Speaker, that a lot of destruction has already been done. It was unfortunate that the first mention of the banning was made by my very good friend and colleague because he himself has a lot of sympathy with anybody who likes to grow cash crops. Kenya is an agricultural country and, since this ban, a number of nurseries in many areas, because of the lack of understanding by certain agricultural officers in the field, have been destroyed. Many young coffee seedlings were destroyed; a lot of people have been put out of work while, in other areas, I have discovered that they still maintain nurseries. It was said at that time that not one coffee seedling was to be seen around the country, but there are coffee seedlings in certain areas and I would suggest in all seriousness that fair play be shown. It was only recently, Mr. Speaker, that a coffee co-operative factory was opened by no less a person than our Prime Minister. It is important, therefore, that when people realize that Kenya needs cash crops, and that we must get from development, the Government should do, or the Minister of Agriculture should do, one of two things. The first is this, Mr. Speaker, canvassing has not been done sufficiently even in the African areas for the consumption of coffee. People go out to restaurants, they drink coffee, but they say, "Hakuna chai?" I would like that to be reversed. Even in the House here they drink coffee at ten o'clock and ask if there is tea. I would rather like to find that the Coffee Board does a lot more work, or as much work as the Tea Board of Kenya does. I would suggest this very seriously to the Ministry of Agriculture. One thing is that if they cannot accept a situation whereby we might be able to continue growing coffee, there should be, not a ban, but a suspension of this ban for an indefinite period so that Africans will be able to grow coffee for more months. Secondly, the Government must go all out, and particularly the Minister of Agriculture, to do the right thing for the people whose hopes of growing coffee have now been smashed. They must go all out to give them an alternative cash crop. These things should have been done last year. Some of the chief coffee areas, where people are now not allowed to grow coffee, can grow tea and I would like to find that the

[The Parliamentary Secretary for Health and Housing]
Ministry of Agriculture will do everything possible to help these people and I will also go all out to help people get alternative crops and particularly alternative cash crops like tea.

Mr. Speaker, Sir, I reserve my position on this Motion.

Mr. Kerich: Mr. Speaker, Sir, I beg to support the Motion. I do think that the Motion is clear enough and should be supported by the hon. Members on the Opposition and in the Government. The Minister of Agriculture should be aware that he should not continue banning the growing of coffee. If he continues banning, then there will be a time when there will be nothing to ban because coffee is the seed to be grown in Kenya. Providence has given us in Kenya good soil, a rich country, and we must grow what is destined to be grown. Here is a Minister of Agriculture who poses as a builder of the nation, yet he continues banning the growing of coffee. He should set up a body to go round and teach the people how to grow coffee. If he has failed to find a market for this coffee, he should resign from the Ministry. Another thing is that the Minister should see that the Africans are given a chance to plant coffee, because some years ago Africans were restricted in planting tea and even coffee.

Some of the Ministers from the Government side have been furiously saying that they are going to build a nation. What sort are they building if they continue to ban coffee growing in Kenya?

With these few remarks, Mr. Speaker, Sir, I beg to support.

Mr. Gatuguta: Mr. Speaker, Sir, I rise to support the spirit of this Motion. It is very unfortunate that the Minister for Agriculture decided to introduce the ban on coffee growing in this country without even getting the consent of the Cabinet or the Government. These vital decisions, decision of national importance must be decided by this House only after full debates have been held. The whole country is against the idea of banning the coffee. The idea is reasonable, but the idea of introducing legislation is to perpetuate the idea of the whole system of protecting the minority communities, and a large number of people will have no opportunity of growing a cash crop. I resent very strongly a decision of this kind and I would ask the Minister concerned to reconsider this and bring it back for further discussions by the Government, and if possible by the Parliamentary Group. We talk of socialism and in fact the Kanu manifesto says clearly that

we are going to introduce a Socialist state in this country whereby every individual will benefit from whatever plans the Government is making, but this type of decision, Sir, is not in this direction. In fact, what the Government is trying to do here is merely to perpetuate capitalism in this country and it is a terrible business.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. De Souza) took the Chair]

It is the right of every individual in this country to grow any cash crop provided the climate allows this and it is the duty of the Government to find a market for us. I think the Minister is now in a position to reconsider his decision since this announcement was made before a delegation returned from Eastern countries. When they came back after the decision had been made, they came out with an idea that they had found a market for coffee in these countries. Sir, I hope that this will now enable the Government to revise their decision. I would like the Minister in replying to tell the House how many acres of coffee—and this is very important—in Kenya are owned by the Africans and how many acres of coffee are owned by Europeans, so that we are able to know whether the question here is to protect a minority community at the expense of the others.

I would also like the Minister to make very clear whether this decision of banning coffee in this country is in line with the Kanu manifesto, because we have promised certain things to people and we know that the Government should have been doing things in accordance with our policy and it is absolutely wrong to find that contrary things are being done. Sir, in this country, as somebody has already said, the Africans have been struggling, they have been fighting for this right, to be able to plant coffee in this country. They have fought for years, they have suffered in this struggle, and yet when we are in a position to implement what we have been fighting for, do we then intend to do what the colonialists have been doing? Sir, it is very difficult for us on the Government side to see the reason for this banning of coffee. We cannot see the reason.

We do not want to be told there is no market for it. An hon. Member has suggested in this House, and he was quite right, that people in this country do not drink coffee, merely because the authorities concerned, the Coffee Board, are not doing the right job. As long as they have a market big enough for the small growers to sell, they think there is no further market. They are not thinking of the majority of our people, Sir.

[Mr. Gatuguta]

and I say that this time we are going to support this Motion, not because it comes from the Opposition, but because we feel that this Motion carries the spirit of the people in this country. I think this is one of the cases when the Minister should set up a Board of Inquiry and he should say that the Government accept this Motion and he should investigate further whether we can get a market for it. Although we are in the Government we are not going to be carried out by a Minister and become a rubber stamp. When we go into the country to the people we are told by them, "We elected you to look after our interests, to fight for our rights, and now you sit in the House you are doing things which will only help the capitalists and you do not help the ordinary man". I think, Sir, we are going to support this Motion fully, and I think the Minister himself will be aware when he replies to this that it is not a matter of jobs, it is a matter of the country.

The Parliamentary Secretary for Education (Mr. Kagga): Mr. Deputy Speaker, Sir, I do not have much to say on this Motion, but I have a few observations to make on it. In my opinion the notice banning the growing of coffee was one of the most unfortunate statements we have ever heard from this Government. One thing is that it came as a surprise to almost everyone. No one expected to hear such a banning notice from this Government so soon, just a few weeks after independence. As I look at this notice, Mr. Deputy Speaker, I think it was just intended to protect the few European coffee growers' interests, who have been growing coffee for many years when Africans were not allowed to do so in this country.

Before I go on, Mr. Deputy Speaker, I would like to warn this House that this question of growing coffee in this country is not merely an economic one which can just be answered or argued on the basis of supply and demand. It is a political issue which has been outstanding for many, many years. Our people have been fighting for this right since 1920. Many of our people have been suffering for this, going to prison because of this, having had to defend themselves in many civil suits on this question, and therefore, instead of looking to this question just on the mere basis of economics, I think we should also look on it as a political issue. It is something which our people had hoped that, soon after independence, this injustice, would be corrected. Mr. Deputy Speaker, we have been hearing many arguments on this from district commissioners and other Government officials of the old régime.

Mr. Kaman: On a point of order, Mr. Deputy Speaker, as this Motion is very embarrassing, and the Minister has left it to the Parliamentary Secretary, could I seek your guidance whether this House could ask the Minister concerned to come to this House?

The Deputy Speaker (Mr. De Souza): It is up to the House to express its feeling, but it is entirely up to the House to decide which Minister or junior Minister or Member shall answer on behalf of the Government. This House cannot order the Government as to which Minister will answer.

Mr. G. G. Kariki: Is it in order to know if the junior Minister is prepared to answer this question?

The Deputy Speaker (Mr. De Souza): That is not a point of order.

The Parliamentary Secretary for Education (Mr. Kagga): As I was saying Mr. Deputy Speaker, we have been hearing arguments for many years from district commissioners and other Government officials, of the old régime, as to why we should not grow more coffee every now and then. All the time we have been referred to Brazil and other Western countries who have been buying coffee from this country. In my opinion Mr. Deputy Speaker, I think this is not enough argument, that just because Brazil cannot sell all its coffee we should not grow more coffee. I have always held and still hold that the British Colonial Government was not interested in exploring more markets in the Eastern countries and other places like Asia, and it was using this argument to stop Africans from growing coffee. Therefore, Mr. Deputy Speaker, I say that instead of banning the growing of more coffee, the Government should explore other ways of getting more markets in other countries. They should do this rather than restricting Africans from growing coffee. From my own experience, when I visited a number of Eastern countries, I found that many of them, especially Yugoslavia are always hunting for a good coffee like that grown in Kenya and have always been anxious to buy coffee from this country, but just because there was no trade connexion between Kenya and Yugoslavia and other Eastern countries, they could not buy coffee from Kenya. Therefore, I would like to point out, Mr. Deputy Speaker, that there are still fields to be explored where more coffee could be sold in other countries.

Mr. Deputy Speaker, I consider that this notice has been very unfair to the African growers who only started growing coffee a few years ago, while

[The Parliamentary Secretary for Education]

Europeans have been growing coffee since the advent of the European in Kenya. Therefore, I would suggest that instead of banning the growing of more coffee, the Government should find a way of transferring much of this coffee grown by the Europeans to the African instead of trying to ban Africans from growing more coffee.

I also believe, Mr. Deputy Speaker, that the delegations which went to the Eastern countries, composed of a number of Ministers, including the Minister of Agriculture, spent a very short time in those countries that they visited and that could be taken as conclusive that there was no country in Eastern Europe which was prepared to buy more coffee in Kenya. Therefore, I would suggest that the Minister for Agriculture should arrange another delegation, not only to Eastern Europe, but also in Asia and many other places. I am sure that if this is done we shall be able to sell more coffee than we are growing now.

The other thing, Mr. Deputy Speaker, that I would like to point out is that this notice came unexpectedly and it was destructive because many of the seedlings had to be destroyed. I think it was very unfair for the Government to allow this kind of destruction. At least they ought to have given notice so that all the seedlings which were in the nurseries could have been planted and finished with. Therefore, I think that this notice requires reconsideration because the feeling of the whole country is very much against this notice. It is something our people never expected and I think it is something which needs correction.

Mr. Kioko: I am rising to support this Motion. It is a very important Motion and when I saw this Motion I thought that I would support it fully as it has been stated by the previous speakers. People in Kenya have been fighting for years and years to be able to start planting coffee. I remember some of the cases which were mentioned before when some people were accused and had to appear in court simply because they were trying to grow coffee. It was therefore a surprise when our Government—the Kenya peoples' Government—decided to ban the growing of coffee in Kenya. I am very disappointed whilst I am speaking on this Motion simply because I expected that when we would achieve independence, our Government would consider the Africans first, not the minority. In this issue I have gathered that the minority were first considered and the Africans were forgotten. Why I am saying this is because I am a coffee grower and I am the chairman of a certain society, and I know how much we suffered when the Government declared this ban on coffee growing. We

had to destroy so many seedlings which had cost us a lot of money and we have no one to consider our case, while there are some Europeans in Kenya today who are still planting coffee. Mr. Deputy Speaker, I would like to request all Members in this House to support this Motion fully, simply because this is of national interest to all people in Kenya. Why I am speaking in this way is because Europeans have been planting coffee for many years and they have been making a lot of money and when the time came for the Africans to start making money in the country, tricks were applied, and our Government was tricked, I would say, by some of the colonialists, and they were tricked into applying the ban against the growing of coffee. My suggestion is this: today I would like the Government to consider uprooting some of the old trees which the Europeans have planted and allowing the Africans to grow coffee. Some of these trees are fifty years old, why cannot they be uprooted and this land used for cattle and the Africans be allowed to plant more coffee?

Mr. Deputy Speaker, I am not going to say any more on this Motion because it is very clear and whoever opposes the Motion will prove to be an enemy of the Africans in Kenya.

Mr. Anyieni: Mr. Deputy Speaker, I wish to thank you very much for giving me a chance to speak. There is only one thing—

Mr. Ngala: On a point of order, Mr. Deputy Speaker, Sir, is it in order that the Chair only points to the Government side to speak throughout.

The Deputy Speaker (Mr. De Souza): The Chair is at perfect liberty to select who is going to speak.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Deputy Speaker, looking at the clock, do you not think it is high time the Government gave its reply?

The Deputy Speaker (Mr. De Souza): I should think so. Carry on, Mr. Anyieni.

Mr. Anyieni: Thank you very much, Mr. Deputy Speaker. It seems as if the Leader of the Opposition does not want me to speak, nor does the hon. Parliamentary Secretary want me to speak either. The only worry we have is this: that the Opposition should not spoil this Motion, because the person who brought this Motion, I am sure, has done so in the interests of the country and not merely to score points for Kadu. So we would not like anybody to try and create

(Mr. Anyieni)

political capital out of this Motion. Mr. Deputy Speaker, I would like the Parliamentary Secretary to tell us how many tons of coffee we are allowed as our quota in Kenya and how many of those tons are produced by the Africans and how many by the Europeans, and how many by the Asians. That is what we would like to know.

The other thing which I would like to know is that we understand that the Minister for Agriculture toured the Eastern countries, one of the Eastern countries being Russia. We also know that when he went to Canada, he spoke of Russia, we would like the Minister to tell us what he was told in Russia, as to whether Kenya would be able to sell coffee to Russia. We have information that we sell coffee to the Western market. When we sell our coffee there, and it is sold from the Western countries to the Eastern countries and so the Western countries make a profit. These are some of the things from which we are fighting to be free. Now that we are free, we want to know whether we have any direct dealings with these people who like to drink Kenya coffee. We remember a speech by the Minister for Home Affairs in the United Nations. He said that Kenya has for a long time been with the West, now Kenya must move a little to the East so that we can be neutral. It seems as if we are not moving at all, we are not moving an inch. This is indicative of some of the statements that the Ministers are making. In this House, we are elected as people who are supposed to answer on the Government side, we are supposed to answer for the activities of the Government, but how is it that a Minister can just come along and announce the banning of coffee growing. When I went to my constituency, they asked me—“Anyieni, now what did you do, why did you ban this, whom do you represent?” I told them I did not know so they said “Oh, so you went there to do nothing in Parliament, the only people who do any work are the Ministers.” We must be told if we are here to be used as rubber stamps. We would like people to understand that we are not here as rubber stamps; when the Government is making a decision such as this one we would like the Government to inform us. We have many meetings where they can inform us—such meetings of Parliamentary groups and Ministerial channels—why don't they use some of these meetings to inform the Members of Parliament of such decisions? We want to know what the Ministers did when they were told by the settlers that they must now stop the Africans from growing coffee. The Ministers had to make it clear. This is clear, Mr. Deputy Speaker, that the Ministers are repeating the language used by

those who were here before Kenya became independent. Because, since the Europeans came to this country, they have been saying for years that only the white people have to plant coffee. When Mr. Kenyatta was trying to get the Africans to understand politics he told them that when *Uhuru* came they would not be stopped from planting coffee. Now *Uhuru* has come and the first announcement was that the Africans would no longer be allowed to plant any more coffee, but when were the Africans allowed to plant coffee?

These things are very serious, and we would like to say that the Minister must know that we are not mere mouthpieces for the Government. Mr. Deputy Speaker, I want to add to what the hon. Member, the Parliamentary Secretary for Education, said, I was with him when he went to Yugoslavia. In Yugoslavia, you drink a lot of coffee. Every time you see someone, they give you coffee; every time you sit down they give you coffee. This coffee does not taste very good, and we asked them why they drank it. They said that they knew our coffee was very good, but they did not have a direct means of obtaining it. The British could not send them our coffee, so now that we were independent they would like to buy it. We have been hearing of delegations coming here from all the countries, from Yugoslavia, Czechoslovakia, and from Russia, and we would like to know how many tons of Kenya coffee the Minister for Agriculture has negotiated to be sold to the Eastern countries, and also Kenya pyrethrum and Kenya tea, or is he prolonging the *status quo* we had before we became independent? That is what we would like to know.

The other thing, Mr. Deputy Speaker, is that we would like to know whether these matters were discussed by the Coffee Board. One of our Members of Parliament, my hon. friend in the glasses, is a Member of the Coffee Board. We would like to know whether the Coffee Board discussed these things.

An hon. Member: It did.

Mr. Anyieni: I understand your point. We would like to know whom he represents there: the old settler capitalists in this country or a percentage of members who are trying to grow coffee?

Mr. Deputy Speaker, I would like to say that, with all due respect to Government, the Members of Parliament today—we would not like you to try and make capital out of this because if you do we may vote against you, not against the Motion. When I go back to Kisii I am going to tell my people to disobey this law and continue to plant more coffee.

The Minister for Commerce and Industry (Dr. Kiako): Mr. Deputy Speaker—

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): I would like to have your guidance as to the principles the Deputy Speaker uses to select speakers in this House.

The Deputy Speaker (Mr. De Souza): It is not my duty to give guidance on such matters. If he feels that he is being left out, many other speakers are also being left out.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): I was on my feet when this Motion was being seconded.

The Deputy Speaker (Mr. De Souza): I realize that, but a lot of people were on their feet when the Motion was seconded. There is, at the moment, about twenty minutes remaining in which the Government can reply before the Mover is called upon to reply. The Government Minister must get priority to be able to reply to the Motion, and after that the Parliamentary Secretary. As far as the Opposition is concerned, they have six Members present and they are here, and out of that two have already spoken. It is not possible to call on every Member to speak, I regret, but if the House wants it they can possibly move that the time allowed for this particular Motion be expanded. At the moment, I have to try and see that as many Members as possible are given a chance, and therefore, I have to call somebody from this side. Two gentlemen have spoken from this side and two from that side.

Hon. Members: Three, four.

Mr. Omweri: On a point of order, is the Deputy Speaker, aware that no Member from this back bench has spoken?

The Deputy Speaker (Mr. De Souza): I said two persons from the back bench have already spoken.

An hon. Member: On a point of order, I have been told that the Speaker has to appoint Constituency Members to speak first before any other Member speaks. Is that right?

The Deputy Speaker (Mr. De Souza): I do not know what you mean by Constituency Members, but a Minister is entitled to speak, particularly when the Government wants to reply. I do not think back benchers have the right to object because no Minister has spoken yet.

Mr. Mbogoh: On a point of order, do you think it is proper for the Deputy Speaker to

allow those people who come from the areas which don't plant coffee to participate in a debate like this?

The Deputy Speaker (Mr. De Souza): Normally, one does call upon Members whose areas are most affected, but I do think that most Members who have spoken have coffee in their areas.

The Minister for Commerce and Industry (Dr. Kiako): Mr. Deputy Speaker, Sir, I am glad you called upon me, and I would like to inform the Member who has just raised a point of order that the area from which I come also grows coffee.

The official reply to this Motion will be made by the Parliamentary Secretary for Agriculture, but the previous speaker raised a number of points connected with our trip to the Eastern countries which I felt I should, reply to as I led the delegation there. That delegation consisted of the Minister for Agriculture and the Parliamentary Secretary to the Ministry of Finance and Economic Planning. As soon as the Government Printer is able to finish the work, it will be possible to lay on the Table the report of that visit.

What I want to clarify is that the hon. Member for Kisii implied that not enough was done. I would like to remember as much as I can of that trip, so that I can clear the air as far as the Eastern countries are concerned. It is true that most of the countries that we visited do not come within the International Coffee Agreement, and therefore coffee sold there would be in addition to the quota which has been allocated to Kenya, or that which will be allocated to Kenya, as the discussions seem to be continuing.

The Deputy Speaker (Mr. De Souza): The Mover will be called upon to reply at 5.16, so I do not know if you want to be brief.

The Minister for Commerce and Industry (Dr. Kiako): Mr. Deputy Speaker, you do not have to worry about me. I was going to be quite brief.

In the first place we went to Moscow and we tried to persuade the people in the Soviet Union to buy coffee from us. At present, they buy their coffee from Brazil, but they do not drink very much although it is a large country. We are expecting a trade delegation from the Soviet Union to come to this country within a very short time. We talked to the Deputy Minister for Foreign Trade, and he said that in Germany, if there is no coffee it is a national crisis; in the Soviet Union if there is no vodka, then that is a national crisis. The fact is that in the Soviet

[The Minister for Commerce and Industry] Union there is not a very large market for coffee although they did indicate that they will be in a position to consider buying a small amount.

[The Deputy Speaker (Mr. De Souza) left the Chair]

[The Speaker (Mr. Slade) took the Chair]

When we went back to Poland, the situation was slightly better. The Poles drink a little more coffee than the Soviet citizens, and when we came to East Germany, there is no question, the East Germans, very like the West Germans, are great coffee drinkers. The question, however, is to remain with the International Coffee Agreement. We discussed the possibilities of additional coffee. It is not unknown to hon. Members that in Hungary, which we also visited, the people there have already begun buying coffee from our country; they bought some last year, and it is expected that they will be in a position to buy some more this year. The other place we visited was Czechoslovakia, and I should remind the House that we are now in the process of discussing a trade agreement with the people from Czechoslovakia at the moment. They have been notified that some of the things that Kenya wants to sell are coffee, pyrethrum, tea and sisal. They have been informed about that. We had a discussion with the people in Yugoslavia who also indicated their interest.

How much, in total, will be taken by these countries remains to be seen, but it is a fact that Kenya's delegation put coffee as a top item during the visit to the socialist countries, and it is to be hoped that, as a result of that visit, and the return visits that are now taking place, it will be possible for the Minister for Agriculture to inform this House, in a short time, of the total amount which the socialist countries will be able to buy. I was just replying to the points made by the hon. Member for Kisumu to indicate that attempts have been made to sell Kenya coffee in the socialist countries.

Mr. Omweri: On a point of order, since the House feels that more Members have a lot to contribute, would it be possible for the House to extend the time which would give more time for Members to express their feelings, so that we do not have exactly the time allocated for this Motion?

The Speaker (Mr. Slade): Hon. Members are aware that only very recently the House resolved that Motions of this kind should be limited to two hours with ten minutes for each speaker, and so on. Once a resolution of that kind has

been passed I do not think we can ignore it, even for a special occasion without the leave of the House, which means that no hon. Member objects. If there was complete unanimity there would be no difficulty in giving another half-an-hour or even an hour for this Motion, but I think I must now inquire whether we have the leave of this House to extend the period of this Motion at all. Does any hon. Member object?

As an hon. Member does object, we have not the leave of the House, and so we cannot extend it beyond two hours.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I am glad to stand on behalf of the Government and to reply to criticisms made by hon. Members in the House on this Motion. I would appeal to hon. Members to pay very keen attention to the reply of the Government on this Motion. I think it is very unfortunate that it has been brought at this time.

When this Motion was brought up on the 28th November last year as an Adjournment Motion by the hon. Mover of this Motion, we gave an undertaking, as a Government, that we were going to appoint a committee to review the situation of further planting of coffee. This committee has not reported to the Government. It is still in the process of dealing with several points referred to it by the Cabinet as points of reference. It is very unfortunate that this Motion comes at a time when the committee is just finishing its findings and making a report to the Government as to how best we can restrict further planting, or if it is possible for any further planting to be carried out. When I spoke on the day I have just mentioned on this Motion, I gave figures of about 100,000 acres for African plantations; they are smallholders planting coffee at present in this country; and 76,000 acres for large plantations which are alleged by hon. speakers to be European farms. This, of course, is not true, because many of them are being bought out and given to African farmers. Those were figures in answering this Motion. At 31st December last year, the acreage we found, after getting all the details, were 115,000 acres for the African smallholders, and 79,000 for plantations. These, of course, are in round figures. Sir, after I had answered this Motion on the Adjournment, the Government appointed a committee which consists, and the hon. Members might be surprised to hear, of three Members of this Parliament, six Regional Assembly Members who are politicians and representatives of people, three Africans representing African growers, two Europeans representing European plantation growers, and

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the Director of Agriculture, the Chairman of the Coffee Board, and the Chairman of the Coffee Marketing Board are also on the committee to advise the committee on technical matters. Sir, the Members might also find it interesting to know that I am the Chairman of the committee, which was appointed by the Government, and I am going to tell them exactly what considerations this committee has made. We know very well, and the Government is very much aware, of the political implications involved in the planting of coffee, as the hon. Members have already indicated in their speeches. The hon. Mr. Kaggia, my colleague, particularly indicated the political implications that are bound up in this ban.

We are aware that this situation is there, but the hon. Member did not tell us—and I think he should have come out in his true colours and told this House and told people outside—that we must cripple the economy of this country and pull out all coffee trees, all those trees in the 79,000-acre plantation and allocate them to the African plantation. I think it would have helped the Government very much if, instead of criticizing and making political capital in this House and to the people outside, they had stood up and told us that we must cripple the economy of this country and do away with all European plantations—what you call the European plantations—of coffee.

If this had happened, Sir, the Government, I think, would be in a position probably to ask the consent of the House, or probably ask us as politicians, that we come in true colours and tell people outside that we have to do away with the economy of this country and let us go back to the bush. Thank you very much.

Sir, among the considerations this committee is bearing in mind, is considering any further planting and I would warn Members in this House that announcing and making it public that any further planting might take place—will jeopardize and prejudice our campaign in the international coffee agreement. The sympathizing countries will not—that is the name given to it, not by me, but whoever gave it. Sir, we might increase our position so that we don't increase our present quota, and then Members will come here and ask this Government where they have to take their coffee. We are considering in our Committee the possibility of uprooting all the uneconomic coffee trees in this country, the possibility of uprooting all of them and replacing them with new coffee trees. These will be allocated to different regions according to

the decision made by the Coffee Board. It is interesting, Sir, for the hon. Members—I think they should pay very, very keen interest on this, because what I am saying now are the actual vital points, the maximum this country can do for our coffee plantations. Now, if we consider that all the uneconomic trees, which my hon. friend the Mover of this Motion gave as "those trees which are going to be useless in five years and then the owners are going to run away", if all these trees are pulled down and replaced by new ones by the African growers, I think that would help us a long way to transfer the plantations from the so-called Europeans hands to the African hands.

We are also considering further planting, bearing in mind, for example, cases which have been involved in land consolidation. In areas where land has been consolidated, there are cases where the owners of coffee had to leave their coffee for other people and move to other places. Now consideration is being given very seriously to such places. Also any additional acreage that might be put forward to the Cabinet, or might be recommended to the Cabinet, will be considered to make any existing factory an economic unit. That is to say, for example, if there is a factory in a place where there is not much coffee to make it economical to run that factory, probably when we consider uprooting this acreage, we can allocate more acres to that area to make that factory economic.

Another point we are considering is, for example, if there is no factory in a place, but there are coffee plantations in that place which have not made it possible to have a factory to cater for that coffee, we are going to consider allowing more acres to be planted in that area, so that they are able to have a factory to process their coffee.

The other point, of course, is what my hon. friend, the Leader of the Opposition, raised of Taita, where there is no possibility of any other alternative cash crop. We have to consider such places, too, where the only cash crop that would help them is coffee, and we shall consider helping those people. But, hon. Members, we must say first, and let us settle this matter once and for all, coffee is not the only livelihood for Kenya. Kenya is the granary, could be the granary, of many other countries in the world. Coming here and telling us that coffee is the only cash crop does not help us. In certain areas, yes, I agree, Mr. Speaker, but let us take the Western Region as an example, they have got a lot of prosperity from growing cotton. What is the Member doing to encourage the people to grow cotton? What is the Member doing to encourage the people to grow

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sisal in that area? If they are doing it, then I do not see where the point that coffee is the only cash crop arises.

Sir, I was going on, I think I shall go through very shortly the points raised by the hon. Members, one by one. There is a point which I shall not forget to put in the minds of the hon. Members. There is no single Member that stood up in this House and told the Government that when you have got no alternative you must allow us to plant more coffee because we have got a market for it, that is one of the things which the hon. Members have failed to put to this Government. The hon. Member, the Mover, is telling us to campaign, but then he comes here and says to his county council is prepared to levy a cess on coffee. Now, when they levy a cess on coffee, they deprive the growers of money which they should have paid to the growers' Board, that is the Coffee Board, which should have been used to campaign in this matter. Now, where do we find the logic in that? So, it is, in fact, the Government's policy at present not to have any cess for the local governments, because we cannot tax the growers twice. If the local governments are prepared to help the farmers, from whom they get the cess, to grow the particular crop, we are prepared to allow them to levy the cess.

Many of the hon. Members gave me the impression when they were speaking that a coffee tree would take one year to mature, because the hon. Leader of the Opposition alleged that a lot of coffee was spoiled by floods in Brazil, and that Kenya should take that to advantage. If frost spoiled coffee plantations in Brazil, obviously there is going to come a time when these coffee trees, spoiled by frost, will grow. It will take four years, and Kenya's coffee will also take four years, what advantage would you get on this?

An hon. Member has also mentioned the quota system. I think this is a very vital point which the hon. Members in this House must consider very seriously not to touch, because if they come up now and force the Government to give them the quota they are asking for, that is the time they spoil the whole thing. The International Coffee Agreement people will come out and will assess our quota on the existing plantations at this time, which are now producing coffee. Many Members should know, and I think they are all aware, that much of the coffee we are basing our arguments on is very young and has not yet reached the producing stage. We will have to wait until the trees start producing coffee before we

apply for a quota and so our quota will be increased. I think many Members should appreciate this point instead of shouting behind me. You should listen, hon. Members, that when we have got sufficient coffee to apply for a quota, and the quota which is going to help this country, that is the time when you should ask the question, "What has free Kenya got?"

The hon. Mr. Gataguta said that this ban was introduced by the Minister without referring it to the Cabinet and to this Parliament. I was questioning the hon. Mr. Gataguta, such a learned person, how he can allege that a Minister could announce anything without the authority of this Government. If the Minister did this, then I would not be here making my reply to it, because I was not the Minister. I am replying to this Motion as the Government and on behalf of the Government. So the Government did this, which means the Minister did this with the knowledge of the Government.

Mr. Shikuku: Then the Government must resign.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I have very little time to go through all the points raised, but what I would like the Members please to consider is that there is a committee already appointed which is going to recommend to the Cabinet, to the Government, its findings, and I will assure the hon. Members that—

The Speaker (Mr. Slade): Order. There are too many private conversations going on on the Government side. We must hear the hon. Member answer the Motion.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I will assure hon. Members that the findings of this Committee might be very profitable to all of us here, but if we prejudice the position of this Committee's recommendations to the Cabinet, we might find ourselves in a very embarrassing position later. I would ask hon. Members to consider what I have said. This Committee is going to recommend to the Cabinet very soon, we must wait and see what the Government is going to do when these recommendations are made. That is the time. I think, when the Government will come out and reply to this in an affirmative form. I have got an intention of amending this Motion, not totally rejecting it, but I would like it to be accepted. I have not put a copy to you, Sir, yet.

The Speaker (Mr. Slade): Have you it in writing?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Yes, Sir.

The Speaker (Mr. Slade): The amendment should have come a bit earlier, because hon. Members have not time now to debate it. Would you like to repeat what your intention is?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Yes, Sir, I would like to amend this Motion as follows, and I hope the hon. Mover will see that we have, in a way, agreed with the Motion, but not as it stands:—

THAT this House, being aware of the need for cash crops in African areas in this country, calls on the Government to review its notice banning the further growing of coffee in this country, immediately on receipt of reports of the Committee appointed by the Government.

That is to say, Mr. Speaker, that when this report has come to the Government, it might be in favour of this Motion, so at this time, if we actually the report of this Committee we might find ourselves in a position whereby we cannot decide one way or the other. I hope—

Mr. Kamau: On a point of order, Mr. Speaker, if this House accepts the amendment, can we know when the Committee's report will be ready, because the people are anxious to plant coffee—

The Speaker (Mr. Slade): Is this a point of order? No, it is not. Will you sit down, Mr. Kamau. I am not going to have these fraudulent points of order. I warn hon. Members that they will no longer be tolerated at all.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, I was going to assure hon. Members that the Committee's report to the Cabinet, will not even take three weeks so, with these few remarks, I beg to move the amendment.

The Speaker (Mr. Slade): I must remind hon. Members that if they want to move an amendment, they must have the complete amendment in writing and give it to me before they move the amendment. There is no time now to debate this amendment, but is there a formal seconder?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie) seconded.

(Question that the words proposed to be left out, proposed)

(The question was put and carried)

(Question that the words proposed to be inserted in place thereof, proposed)

(The question that the words proposed to be inserted in place thereof, was put and carried)

(Motion, as amended, proposed)

Mr. Ngala: On a point of order, Mr. Speaker, Sir, I rise for your guidance. Is it in order for an amendment to be put to the House and then for the Speaker to say that there is no time to debate the amendment? If so, why was the amendment not dropped since the Government did not put it in writing in the first place?

The Speaker (Mr. Slade): When there is a resolution of the House that in respect of a certain debate, or certain type of debate, I shall call on the Mover to reply at certain time. I have to make sure that we get everything else finished before that time, if I possibly can. Therefore, there was obviously no time for debate on the amendment.

As regards the amendment being in writing, it is quite true that Standing Orders require it to be in writing and handed to the Speaker at the time the amendment is moved. It was actually in writing, though a little too jumbled to be intelligent. Mr. Osogo did his best, and I think the matter was important enough to proceed on a technicality. That is why he proceeded with it.

Mr. Masinde: Thank you very much, Mr. Speaker. In replying to this Motion I would like to congratulate all those hon. Members who contributed to the Motion as I moved it. I want to mention some of the points raised by some hon. Members. The Minister, particularly at this moment, is aware of the feeling of the people, not only in this House, but outside, who all represent. The desire of the people is quite clear, therefore, the committee which is set up is already dictated by the views which have been indicated by hon. Members who spoke on this Motion. There is a question here, where the hon. Member, Mr. Kamunde, who is supposed to be our representative on coffee internationally, instead of speaking as a Kenya representative in an international market, he spoke as if he represented Brazil.

Hon. Members: Question, question.

Mr. Masinde: These are not the things we are going to have written. Whoever is selected to sit on any type of committee, whether it be in the country or outside, has to carry the views of the people, not to decide on his own or the views of his friends, and say that this is what the people want. Mr. Speaker, Sir, we have heard from the hon. Minister for Commerce and Industry to what he contributed, and it was very helpful. He said that they were trying to see that they got markets for their coffee in Eastern countries. However, this is contrary to what the Parliamentary Secretary for Agriculture tried to tell us,

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because banning the growing of coffee, when we are negotiating markets, is wrong. It is altogether contradicting, because once we are allowed, Africans will continue to plant as they have been wanting to do for years. While they are waiting, who will be making use of that quota if we are allowed to sell our coffee to Russia or any Eastern countries? This is why it is very contradictory, and shows that our Government, particularly the Ministers, should work together as a team. If they fail to do so, we will find ourselves in a very embarrassing situation. There is a possibility of increasing our quota through other countries, but they are stopping that quota. This means that they are only interested in assisting those who have already planted.

Mr. Speaker, Sir, the Parliamentary Secretary said that if we are prepared to control the economy of this country, we must uproot all 76,000 acres of plantation which are at present owned by Europeans. This is not the case. The situation is quite clear that there are some other trees or plantations which are completely old. They deserve to be destroyed, so that those which are destroyed now can go to African growers. Out of this debate, the Parliamentary Secretary has not told us how many acres qualify to be uprooted, and this is why I say that the Government is failing. While he says that we are looking forward to some of the trees which are in production, he does not say how many there are in acreage, and then he confuses us because we do not know what the consequences are. Mr. Speaker, Sir, here is a case where I think we are still being dictated by the previous old ideas in the Ministry of Agriculture, because it is a continuation of what happened in the past. I say this because according to the Parliamentary Secretary's reply—with regard to the continuation of the colonial ruling, where Europeans were to grow cash crops—he referred to African growing areas in acreage. There are 115,000 acres. Here is the point, Sir. He did not tell us how many acres are in production. You will find, Sir, that our people started planting coffee in 1952, and from that time they were only allowed to plant either fifty trees or twenty-five trees, and if you count from that time till now, you will find that the total acreage in production from African areas is not even 50,000 acres. It might be 30,000 acres. This is the situation where there are many acres in full production by Europeans, against 50,000 acres which are owned by Africans. This is not what we want. If you go back, there are a few people who want this 76,000 acres of land. He did not tell us how many there are, but possibly there are a couple of

hundred Europeans. When an African is being exploited, they count so many trees, and say that is enough. Unless you have more than a thousand trees, you cannot earn anything from them at all. You are always spending money, but never getting anything back. This is how our people are placed, Sir, and if that is the problem which is facing this country, our people are being exploited, even by an independent Government in Kenya.

Mr. Speaker, Sir, there is another point which Government has agreed—according to today's amendment, as the Parliamentary Secretary has put it—it appears that Government has agreed with me though it is for the Government to frame their usual language as they wanted. I cannot force a Parliamentary Secretary to speak as I like to speak, but he has to frame it in his own way. Here he has agreed that there is a need for an African farmer to grow coffee. The case here is clear. There is no question of wasting the Government's money by sitting on that committee and claiming some allowances. It is clear that the African wants to grow coffee and nothing else. If you can give an alternative it will mean that you are working against the wish of the people, and that is the population of Kenya.

We want an assurance that, whatever happens, there is going to be a move to allow Africans to increase their acreage of coffee. Without that, we shall be deceiving ourselves into thinking that we are independent and that we are promoting the interests of these people.

Mr. Speaker, Sir, these are the observations I wanted to make. I hope the Government is aware of them. In finishing, I also want to point out that the hon. Parliamentary Secretary mentioned that there are two hon. Members on that committee.

An hon. Member: Three.

Mr. Masinde: Probably with himself that makes three. If they are here, if any of the hon. Members on that committee are here, they must realize the situation of our people. The quicker they finish their work, write the report in two lines, the better. They must allow us to grow coffee immediately, because the people are tired. We do not want to miss the long rains before we put in some more coffee trees.

Mr. Speaker, Sir, I beg to move.
(The question of the Motion as amended was put and carried)

Resolved accordingly:—

THAT this House, being aware of the need for cash crops in African areas in this country,

[Mr. Masinde]

calls upon the Government to review its notice banning the further growing of coffee in this country immediately on receipt of the report of the committee appointed by the Government.

The Speaker (Mr. Slade): That brings us to the end of the time allowed for party-sponsored Motions, so we move on to Order No. 8, which is the first free-lance Motion.

Mr. Ngala: Mr. Speaker, Sir, I would like to seek your guidance on this. Would it be in order for me to give way in favour of Order No. 6?

The Speaker (Mr. Slade): I am afraid not. You can only give way in favour of another free-lance Motion, that would be Order No. 9 or 10.

Mr. Ngala: In view of that, Sir, I will talk to this Motion

MOTION

REDUNDANT HOSPITAL SERVICES

Mr. Ngala: Mr. Speaker, Sir, the purpose of this Motion is very clear and very brief. I beg to move:—

THAT this House urges the Government to set up a Commission of Inquiry to investigate the redundancy of the hospital services within the Nairobi area with a view to producing a more economic pattern of the service.

Sir, I think it will be realized by the hon. Members that what is needed in this country is that we should do our best to send as many medical services as possible to the rural areas, because so many people are suffering there, and thereby avoid the concentration of medical services in the townships. The Nairobi area has many hospital institutions. Let me mention some of them: King George VI is a hospital which covers almost all the country and it has all sorts of departments, from training departments to departments where patients are looked after in wards, and other places. Thinking of the population of Nairobi, the Minister should consider the redundancy of medical services here. Just beside King George VI Hospital, which caters for every type of disease, you have the Princess Elizabeth Hospital. This hospital, as reported in some of the papers, on many occasions has been almost empty, and yet it is to some extent assisted by this Government.

An hon. Member: What Government?

Mr. Ngala: The Kenya Government. Do you not know your Government? It is quite unnecessary for the Government of Kenya to assist

a hospital when there is another hospital which serves the whole country, and this hospital is, in my view, redundant.

An hon. Member: Where are your notes?

Mr. Ngala: I can speak without notes.

Another point, Mr. Speaker, Sir, is that I wanted to mention that although the Government may say Princess Elizabeth Hospital is supported by a private agency, in my view this private agency should not help when it is unnecessary. It should give assistance to Kenya, and this assistance should be sent where it is demanded, where it is deserved.

Another example is the Aga Khan Hospital. I would like here to express appreciation for the contribution which has been made by His Highness the Aga Khan; the whole country is grateful. However, because of the shortage of hospital services outside the Nairobi area, I think some of these services should have been sent to the rural areas. It does not matter if they are under the Regions or under the Central Government.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): It matters very much.

Mr. Ngala: You are the Minister for Constitutional Affairs; you should know better. Mr. Speaker, Sir, the Minister for Constitutional Affairs is unnecessarily disturbing me.

The Speaker (Mr. Slade): I think it takes more than that to disturb you, really!

Mr. Ngala: Mr. Speaker, Sir, the hospital services here are repeated in a way which is completely unnecessary. You go to the Aga Khan Hospital, the Government is spending money. Recently, about four months ago, the Government gave a grant—I stand to be corrected here—of £29,000 to the Aga Khan Hospital. This assistance should have been given to another hospital outside, to help the rural people, instead of concentrating the services in the Nairobi area only. At one time, I discussed this matter with the Minister for Constitutional Affairs, and all that he told me was that it was because the Nairobi area was in his constituency. I think this is a wrong way to look at something.

Just now, there was another suggestion from the Minister that there should be a post-graduate medical school in Nairobi. It is a suggestion, as I understand it. This is another method whereby the Minister is trying to attract more hospital services to the Nairobi area, and forgetting the rural areas. Therefore, I would like

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to submit, Mr. Speaker, that it is high time that the hospital services in the Nairobi area are looked into with a view to reducing the redundancy or the expenditure on the part of the hospitals.

Mr. Speaker, Sir, the other aspect I would like to mention concerns training. With regard to the training aspect in the Nairobi area, you find all sorts of centres, and it has even been necessary for the Minister to see whether he can co-ordinate the training services in Nairobi.

When I was discussing this with a very prominent doctor the other day, the prominent doctor told me that it is a mistake that has been realized by the Government and the Government is quietly trying to put it right. I submit that any Government which is interested in the medical affairs of the whole country should take this Motion not with the attitude of just rejecting it for the sake of rejecting it, but looking into what the country really needs. The country needs these services to be de-centralized to the different areas so that the different areas can also have the advantages of medical services. When we look at the population of Nairobi we see that it is less than 20,000 people. If you compare this population with the medical services that Nairobi is receiving from the Ministry of Health, I think it is out of proportion and I think it is high time that this redundancy is done away with.

I am sure that my friend, the Minister for Health, who is particular about such affairs, will be the first one to agree that Nairobi needs to be looked into. The other aspect is the aspect of expenditure. The Minister said a little time ago in Nakuru that this country is suffering from a shortage of medical staff. Is it not a wise idea, is it not more appropriate for the Minister, instead of concentrating personnel or staff, medical staff, in one small area like Nairobi, and have them consolidated in one big hospital like King George VI to have the rest sent out to the less privileged areas where the situation is very serious, where disease is very serious? I agree completely with the policy of attacking disease in our country, but the main thing is that the Minister has to act in a way that the people in the rural areas can be reached. Sir, in short, this Motion is asking for the medical services which are redundant to be looked into by a commission because the same services, such as the training of midwives is carried out at the Aga Khan Hospital and the King George VI Hospital. The kind of work that is being done at the Princess Elizabeth Hospital is also being done at the King

George VI Hospital and these hospitals are about 300 yards away from each other. This is what we are asking the Minister to put right. We are asking the Minister to look into this to see that some of these services can be transferred to areas that deserve more instead of concentrating them in one place only. I am sure the Members here would appreciate this. Indeed, just three days ago, the Members were saying, "Why are patients being put in the Princess Elizabeth Hospital when we have accommodation in the King George VI?" We are asking this Ministry to move away from the colonial pattern of medical services in the Nairobi area and to adopt an African Government pattern for the medical services.

Mr. Speaker, Sir, I am not a specialist in medical work. However, as a person who has been a patient several times, I see that Nairobi is wasting so much medical work and receiving so many medical services, and I think it is high time that an inquiry into this important matter was convened by the Ministry to make it possible for other people to get better medical services. This afternoon, we were told of the weaknesses in Kakamega. If the inquiry discovers that we need to move some hospital services from here to Kakamega, why cannot the Minister do that? We have also been reminded of the weaknesses at Machakos. Why cannot we go into this to see where certain people could be directed to be of service to the whole nation? It is no use talking about Kilifi only. I know that area better than other Members, but would like to serve the country. I am talking about Machakos which is a national hospital, I am talking about Kakamega which is a national hospital, and I am asking a national Minister to serve the country equally instead of being so one-sided as he is at the moment.

Mr. Speaker, Sir, with these few words I beg the Minister to realize the necessity for this inquiry to find out the facts.

Mr. Masinde: Mr. Speaker, Sir, this Motion has come to the right place at the right time. Only this afternoon, we could not actually get any information out of the Minister for Health and Housing. Here we are faced with a problem, and when we speak about Kenya, we should remember that we are talking about a population of nine million people. I hope that the Ministry, or the Minister of Health is very concerned and that he plans medical facilities and services knowing very well that the areas which deserve greater attention are the rural areas, because the population of Kenya is not all in Nairobi.

(The Debate continues)

[Mr. Masinde]

The Motion reveals that fact and he should know that Nairobi is actually overstaffed with personnel and all hospital facilities. These are the facilities we want to be transferred to some of the areas which are suffering. This afternoon the Minister for Health and Housing said that he is making arrangements to make sure that Kakamega Hospital and Machakos Hospital reach the same status as other hospitals. But there are hospitals which are not—

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, on a point of order, the Motion reads: "That this House urges the Government to set up a Commission of Inquiry to investigate the redundancy of the hospital services within the Nairobi area with a view to producing a more economic pattern of the service." I would like to have your guidance on whether all this talk about Machakos, Kakamega and having hospital services elsewhere in the rural areas is relevant to the Motion? We are being asked to have a Commission to review the services within Nairobi and to produce a more economic pattern, not in Kenya but within Nairobi.

The Speaker (Mr. Slade): I must say that I had read the Motion as meaning a more economic pattern of service throughout the country. It could mean either, but I think that was the intention. If so, though hospitals outside Nairobi are not relevant to redundancy in Nairobi, they are relevant to the general economic pattern and argument for the Commission of Inquiry.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, we have very little time on these free-lance Motions and I was wondering whether I could seek your guidance on whether the Seconder was not in fact putting an identical case in repeating very nearly word for word exactly what the Mover has said.

The Speaker (Mr. Slade): Yes, I think he is. That must be allowed to some extent to a Member who seconds a Motion, but we cannot go on with repetition throughout the debate.

Mr. Masinde: Mr. Speaker, Sir, I am actually trying to make use of this House to explain clearly to the Minister the problems facing this country. What I am trying to put across is why the Commission of Inquiry is necessary at the present is that, in the past, some of these hospitals which are in Nairobi now have been receiving aid from Government and they have all been European and Asian—

H 23—16 pp.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, can the hon. Member continue talking of these things that are not correct and base his arguments on them? The Aga Khan Hospital is not receiving any aid and has not received any aid from this Government.

The Speaker (Mr. Slade): When you are entitled to interrupt it is not quite like that, but you can require the hon. Member to substantiate.

The Minister for Health and Housing (Dr. Mungai): Would the hon. Member therefore substantiate?

Mr. Masinde: Since the Minister has clarified the case that the hospital is not receiving aid, then there is no need to substantiate. I withdraw the allegation.

Mr. Speaker, Sir, the case as it stands is that there are some other hospitals, other than the King George VI Hospital, that are receiving aid from the Government and these hospitals are not in full use and since they are not in full use—

The Minister for Health and Housing (Dr. Mungai): On a point of order, can the hon. Member substantiate again that the Princess Elizabeth Hospital is receiving aid from the Government?

The Speaker (Mr. Slade): If you cannot do that you have to withdraw, you know.

Mr. Masinde: Mr. Speaker, Sir, I have to withdraw this. But this is the whole complication where we cannot actually understand the proceedings. But the point I am trying to make is that we have hospitals which are too close. The King George VI Hospital and the Princess Elizabeth Hospital are very close and they are fully equipped with doctors. The question is can we utilize these hospitals or some of the facilities which are provided in Nairobi so that they can be distributed to other places which are lacking medical facilities? When I mentioned this point in relation to the population of Kenya, as I have already indicated, you will find that Nairobi is better off, but the intention of concentrating on Nairobi as the only place which matters as far as the population of this country is concerned, I think this would be misleading the country. What we need in connexion with the population of Nairobi which is about 30,000 people—there are other districts which are bigger than Nairobi and yet they have no proper medical facilities, in regard to things like doctors, specialists, laboratories, X-rays—

Mr. Mutiso: On a point of order, I did not intend to interrupt the present hon. Member who is speaking, but I am seeking your guidance.

[Mr. Mutiso]

whether it is correct for the Leader of the Opposition to sit on the benches which I understand have been reserved for the Government side?

The Speaker (Mr. Slade): He is all right. He is just the right side of the chair-arm actually. Hon. Members can sit where they like in the House any time, though they took a bit odd sitting among their opponents.

Mr. Maslode: Mr. Speaker, Sir, if you will allow me to finish my time. There have been a lot of interruptions here and I do not know why.

We are Members who represent the people from rural areas and we have to note that this is a very important Motion which has come at the right time. The Minister must now be directed to go back and make proper arrangements for the delivery of proper medical facilities to the country outside. Mr. Speaker, Sir, we are lucky in a lot of things, particularly in the national hospitals, if I can quote it, in Kakamega, and the facilities which are available in Nairobi should be divided so that they are given to some of the hospitals which are lagging behind. Kakamega, Sir, has a population of more than 600,000 people, and all these people are deprived of proper medical attention. This is where we have a case for the Minister to state what he intends to do in the future, and since the Motion asks for a Commission of Inquiry the Minister should not hesitate to set this up so that the point is rectified. Mr. Speaker, Sir, I beg to second the Motion.

(Question proposed)

The Parliamentary Secretary for the Treasury (Mr. Kibaki): Mr. Speaker, Sir, I do not want to take the time of the Minister who is going to reply, but I would like to say two things. The attitude of the Leader of the Opposition in pretending that it is upholding economics for us to close a building which now exists so that we can open them to some other people in another part of the country afresh, it would appear to me that the more positive way of thinking is to suggest that when we have new developments, when we build new facilities, these facilities ought to be built where they now do not exist, but to suggest that we close the Princess Elizabeth Hospital, or alternatively, as the hon. Member for Lurambi suggests, that we divide up the Princess Elizabeth Hospital, one quarter to go to Kakamega and possibly one eighth to go to his hon. friend the Member for Butere, the operation itself would not be practically possible, even if we ignored the economics of it. Mr. Speaker, I do really think that it is a very difficult job to ask

the Government to split up the Princess Elizabeth Hospital and give parts to each district. Mr. Speaker, I do not agree with the fundamental statement that there is redundancy in Nairobi. Obviously the hon. Leader of the Opposition must be very much obsessed with the idea of regionalism that he has never moved round, he could not have possibly visited Pumwani Hospital to see the women who go there to have babies and they have them on the floor. He could never possibly have been to King George VI Hospital where any hour of the day or night we have people queuing up for the facilities there.

An hon. Member: You have never been to Butere.

The Parliamentary Secretary for the Treasury (Mr. Kibaki): Otherwise, he would not talk of redundancy. Surely we should not have this suggestion that Nairobi has redundant facilities? After all, if we pursue that line of thinking it would lead to break down the barriers which have been built in various places because they are too good and divide them up elsewhere. This is wrong thinking. What we want is to build up facilities where they do not now exist. After all, everyone knows that Nairobi has some very wonderful buildings, but nobody has come to this House and suggested that we should split up these shops and put one in Mombasa, one in Kakamega and possibly another in Butere. What we should do is to encourage industries to start up in new places, such as Broderick Falls, because you have Members there who want to start industries. This seems to me to be quite a sensible way of looking at it which is positive. It looks to the future, but if my hon. friends are still living in this world of wishful thinking, if, of course, things in Nairobi have not existed, how would we have wanted to have Nairobi actually in Kakamega? This leads us nowhere, Mr. Speaker. This Motion is utterly unnecessary and is based on the wrong assumption and I would have thought that the Leader of the Opposition should have withdrawn this Motion.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, this does not make sense.

The Speaker (Mr. Slade): You have twenty minutes if you want it.

The Minister for Health and Housing (Dr. Mungai): This does not take even twenty minutes to answer because the Motion itself is redundant and the Motion is dead. I am very surprised that the Leader of the Opposition wasted his time, kept on talking and criticizing a Colonial Government

[The Minister for Health and Housing]

which was there many years ago, and not this Government. It was the same Government which, about two and a half years ago, he supported, when people on this side of the House refused to support it. At that time, they were his allies and, now that they have departed, he criticizes them. Why did he not ask them why they had set up the situation as it was? I was serving the nation at the time. As he does not seem to know how these things came about, I am going to explain to him how the imbalance in hospital beds and facilities came to be within the country and the town, and there was no redundancy even then, at least not during this time. This came about because during the Colonial Government so many of the Europeans tended to go to the cities—Nairobi, Mombasa, Nakuru and others—and therefore the Colonial Government built hospitals in the cities because the Europeans were living there, and their servants were living there, and they wanted them treated, and somehow, although they were treated, they did not have the same facilities in the countryside as they had in Nairobi. This was recognized immediately. That is why you find that Nairobi has had five beds for 1,000 people of the population, and in the country about 1:2. We set about to correct it and when the hon. Member was on this side of the House, he never did anything about it; he accepted it. At the same time, you will find that a hospital was built in Nairobi and the other bigger cities to serve the same people who were here. This is exactly what the hon. Member, the Leader of the Opposition, accepted, so when he became sick or members of his family became sick, he sent them over here even when he was in the Government.

Mr. Ngala: I have never been sick for twenty-five years.

The Minister for Health and Housing (Dr. Mungai): Let us try to be serious on exactly how this developed. It was that specialists were sent to these bigger hospitals where they had many patients and, therefore, they also came to the bigger cities. This was easy to understand; the Colonial Government was in charge and was more interested in the Europeans here. The Colonial Government neglected ninety per cent of the population in the countryside. However, the Colonial Government was not elected by the people of Kenya. At the same time, we have found that the insurance schemes were for the Asian and Arab and also the European. The Africans were omitted from those two schemes, so they could never have used those good hospitals. I must say that the old Government was operating this scheme until this Government came in to remove this racialism in hospitals.

The thing that encouraged this kind of thing in Nairobi was the kind of support that Colonial Government got from Kadu.

The Speaker (Mr. Slade): Is this relevant to the Motion?

The Minister for Health and Housing (Dr. Mungai): This African Government was elected by the people of this country, most of whom live in the countryside, not in the town. We have recognized that we have to correct the imbalance of hospital facilities and I was very surprised that the Leader of the Opposition stood up to talk on the Government policy, which he knows we have announced several times, and he was trying to use it to support his redundant Motion today in this House. Since this Government took over, we have decided, as a policy, to teach medicine to the people of the country. We have already started. When I was touring in the Rift Valley, accompanied by the hon. President of the Rift Valley, Mr. arap Moi, we visited the countryside and saw the people's clinics and health centres, and discussed how we could improve them. Not necessarily from the money that comes from the regional authorities, but from plans from Central Government, because these people are interested in improving the health of our people and we know that disease does not care whether you have regional boundaries or not. This is why Central Government does not know regions as far as disease is concerned. We are going to help, and we intend to, and we have some plans that we are going to put into developing health centres in the country. We have said this often and we are going to do it. Sir, just this afternoon I have said that we are starting hospitals for our people in the country, in districts like Machakos and Kakamega, where my hon. friend comes from. I listed some of the deficiencies that we have like X-ray equipment, and I said we were going to get it to these hospitals as soon as we have funds. Why did that Government which was supported by Kadu not get the equipment there? We are going to take equipment there. The hon. Member will remember very well, he never raised it when he was Leader of the House. Why did he not raise it when he was over here? He asks it from the other side. The other side should remember that, as the hon. Leader of the Opposition put it, the specialists are to be found in the cities like Nairobi. This afternoon I have said that we are going to send specialists to the country and one of the places we will ask them to go, if we have them, to Kakamega—specialists in medicine and maternity and child welfare. We want to send them there because they never had them before. When the Leader of the Opposition was in the Government he never sent

[The Minister for Health and Housing] them there. It takes this Government to send these people into the country.

The Speaker (Mr. Slade): I think, Dr. Mungai, you should stick a little more closely to the terms of the Motion.

The Minister for Health and Housing (Dr. Mungai): Thank you, Mr. Speaker, but I thought that the Members here preferred this.

The other day an hon. Member from the Opposition, who is laughing right opposite me, was criticizing the Ministry of Health because an African specialist was not put into Nairobi where the colonialists had put the other specialists. We sent him to the country. If we brought every specialist, African and non-African, to Nairobi as he wanted, then we would have redundancy, but you know better than that. So we sent this specialist to the country, and the others out of Nairobi, so that we do not have redundancy. The Central Region and Kikuyu is in the country and it is a part of Kenya and when we are studying all of Kenya it is not necessary to forget the Central Region. Just as we remember Kakamega, we remember Central Region also. That goes for every Minister and not only for me. Finally, this Government, having recognized that the Colonial Government built many small hospitals in the town, one of these hospitals, the Maia Carberry, was closed when this Government came into power. It is now open, although it is doing another function. It has been changed from what it used to be, serving only the European community, to serving the African in another very much needed way, for the purpose of law. The Africans have started a law school in Nairobi and it is using that old building which was being used before by Europeans only. Yet you talk of redundancy of hospital staff in Nairobi. If you went to the King George VI Hospital today—and the Leader of the Opposition has been there several times—you would see that there are very long queues and that, in fact, sometimes the queues of patients waiting to get into the hospital for an operation amount to over 1,000, and every hospital bed in Nairobi is occupied. The only time they were not was when the Colonial Government did not permit the Africans to go to hospitals like the Princess Elizabeth and the others because they were excluded from the scheme of insurance which we opened the other day. From now onward, the Africans will be able to attend and to go to those hospitals.

Sir, I do not think it is really necessary to continue with the Motion as it was moved because there was nothing that was put forward

by the Mover of the Motion or by the Second. All that they tried to do was to repeat what this Government is doing and they are condemning the Government that we are supporting. Everyone knows that and it is exactly what they are doing. If the hon. Member thinks that this Government is doing nothing, would he like us to withdraw the funds that we are sending to Kajiado and other areas?

Mr. ole Ololipitip: You have done nothing for Kajiado yet.

The Minister for Health and Housing (Dr. Mungai): Whether he says we do nothing or not, I will think of those people behind him who need medical services, and I will pay no attention to him, I will go and help those people in the country who need it.

Now, Sir, rather than just talking, this Government is trying to take and send good medicine to the people, to the Africans: specialists to create good medicine for the people in the countryside, although the Leader of the Opposition and other Members who are supporting him disagree with this.

Finally, we are working very hard in order to remove the imbalance of hospital beds that exists in the cities, not only in Nairobi but in Mombasa and other places, so that we can have more beds in the district hospitals, the regional hospitals, in order that we can cater for the people. At this particular time, there is no redundancy in Nairobi and the Motion, Sir, if you would permit me to say it, is redundant and dead.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I do not intend to defend Nairobi because there is nothing to defend. The Motion makes a number of assumptions which have been dealt with by the Minister for Health and Housing and the Parliamentary Secretary to the Treasury. I would like merely to add to these remarks by making it quite clear that the Government fully understands the need to depart from the old set-up, in which there were European, Asian and African hospitals, and to replace them by a unified system. The second point which the Government intends to carry out, and which the Minister for Health has stated in this House previously, but which does not quite seem to have been understood by the Opposition, is that in trying to create a unified system it is also necessary to ensure that the services so created will be within the means of the ordinary man. In other words, it is not enough for us merely to open the Princess Elizabeth Hospital to Africans but to

[The Minister for Justice and Constitutional Affairs]

make sure that they can pay or that they can avail themselves of the services of this hospital. Sir, I am being asked if we are doing that.

An hon. Member: Not at all.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, we are not only doing that, but the country ought to know that if we fail in achieving the objective we have set for ourselves of giving medicine to every person in this country—

Hon. Members: Free, free.

The Minister for Justice and Constitutional Affairs (Mr. Mboya):—free medicine to every person in this country, it will not be the fault of the Central Government but of the regionalists.

Mr. Speaker, the Leader of the Opposition cannot pretend and come to this House to mislead the country into thinking that he is genuine in his effort to give free medicine to everybody, when he knows—

(Interruptions)

The Speaker (Mr. Slade): Order, order

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I asked a few minutes ago for your ruling as to whether this Motion included the discussion of hospitals throughout the country, or was it just the Nairobi area. The ruling was that it included the whole country. The Leader of the Opposition said that this was so. Now, the Leader of the Opposition knows as well as I do that, as a result of his insistence, we were placed in the position where the system he preferred would prevent this Central Government giving medicine to every person in this country.

(Interruption)

It is no use for the Leader of the Opposition and his party coming to this House speaking with their tongues in their cheeks, playing to the gallery.

Hon. Members: Question, question.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, there is no use hon. Members asking, "Question, question". As a result of Kadu's insistence on the Constitution of this country, there were only a number of hospitals written into it—

Mr. Ngala: On a point of order, is the Minister in order in going so far away from the Motion?

The Speaker (Mr. Slade): I have been thinking that Mr. Mboya was getting too far away. The real point of this Motion—let us study it again—is for a Commission of Inquiry to investigate the redundancy of the hospital services within Nairobi. The need of such a Commission, as I have said, is emphasized by the argument for an economic pattern throughout the country. However, that really has nothing to do with free medical services or regionalism, I think.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, with the greatest respect, I would like to suggest to you that if we are to achieve, even leaving aside the use of the slogan, "free medical service", an economic pattern throughout the country, then the blocks or the bottlenecks in the Constitution which would make it impossible to plan the medical services centrally throughout the country, and asking the Central Government to do it, is surely relevant? All I am trying to point out, Sir—

The Speaker (Mr. Slade): I am not used to having my rulings questioned, Mr. Mboya.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I am not, Sir, I am merely explaining the point I am trying to make. Sir, that the reason why the Government must reject this Motion is because the purpose which we are being asked by the Leader of the Opposition to try and achieve, by accepting the Motion, cannot, in fact, be fulfilled on account of the arrangements which the Opposition has itself insisted must be introduced into the country. I listened to the Opposition's statements and arguments, as the Minister for Constitutional Affairs, and I noted very carefully everything they said. Everything they have said today must support only one view: that they now desire that there must be an economic pattern, centrally organized—

Hon. Members: Question, question.

The Minister for Justice and Constitutional Affairs (Mr. Mboya):—to produce medical services which would go to satisfy, not only an economic arrangement in Nairobi but throughout the country. Sir, if this is the submission which has been made today—

The Speaker (Mr. Slade): Order, order, you have to be careful, Mr. Mboya, that you are not misrepresenting what hon. Members have said. If you are deducing that that is what the hon. Members meant, you are entitled to say so quite clearly, but they have not said that they want a centrally-organized economic pattern.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I am entitled to draw conclusions from what the hon. Members have said.

The Speaker (Mr. Slade): I said that you are entitled to deduce, but if you are merely deducing, then you must make it clear that you are merely deducing and that you are not representing what they said.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I am quite satisfied that my deduction is sufficient to lead me to the conclusion that the Opposition will now support us in amending the Constitution—

Hon. Members: Question, question

Mr. Shikuku: On a point of order, Mr. Speaker, the Minister for Constitutional Affairs not wandering far from the point and ignoring your ruling?

The Speaker (Mr. Slade): Yes, he is getting a long way away again. However, he is limited to ten minutes and his time is nearly up!

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I will just conclude by saying that I am quite sure that the constituents of the hon. Members have noted what they have said here today. The Government has noted it, and the Government intends to act on it.

Mr. Shikuku: Mr. Speaker, Sir, I must clear the impression which has been expressed by the last speaker, the hon. Minister for Constitutional Affairs, who does not seem to know what he has been talking about. All I can say now, Mr. Speaker, is that he has been making a lot of noise which was calculated to misrepresent the views of the Opposition to his own disadvantage as a Member of Government.

Mr. Speaker, the Motion is very, very clear indeed. All we have asked for is to ask the Minister for Health and Housing to see to it that people, other than those in Nairobi and round about Nairobi, are equally catered for medically, and that we do not have too many people in Nairobi while other parts are not being considered. I feel they should take this Motion seriously rather than laugh it off as some of the hon. Members are doing now. I feel that there are hospitals in this country which are trying their best to help the people in the rural areas. Those Members from towns can laugh it off because it does not affect them much. There are a lot of hospitals in their areas, in the towns.

The other thing I want to say is that there are some missionary hospitals which should be granted by this Government. For example, there is a hospital in Butere, which the hon. Parliamentary Secretary to the Ministry for Finance has mentioned today, run by the missionaries, called Muhila. The Government should take into account these facilities and help the people, so that they can assist the people in the rural areas. May I also suggest, Mr. Speaker—my time is so limited—that private doctors should be consulted so that they can establish dispensaries in rural areas to help the people there.

The Speaker (Mr. Slade): I assume, Mr. Shikuku, that you will want to speak for your whole ten minutes if and when you have a chance to do so. It is time for the interruption of business now, but when the debate is resumed you will have the rest of your eight minutes. I think it is

ADJOURNMENT

The Speaker (Mr. Slade): The House is now adjourned until tomorrow, Friday, 6th March, at 9 a.m.

The House rose at thirty minutes past Six o'clock.

Friday, 6th March 1964

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

FRAUDULENT POINTS OF ORDER

The Speaker (Mr. Slade): Hon. Members, it is now some nine months since this House first sat, and that is the period usually required for the birth of child. The child which we are still waiting to see born is a full understanding and respect by all hon. Members of the point of order, and we cannot afford now to prolong that gestation any further. Abuse of a point of order can wreck debates, and injure the order and dignity of the House, more easily than any other Parliamentary offence whatsoever. Once again, I say that the point of order which gives an hon. Member the absolute right to interrupt all other proceedings is only a point relating either to the procedure of the House or to the personal conduct of Members: the procedure of the House or the personal conduct of Members.

All other interruptions of any kind, under the guise of points of order, are fraudulent points of order. There may be occasions when an hon. Member honestly believes he has a point of order which is in fact no point of order, and he cannot be blamed. But all of you must fully understand the general principle by now; and I hereby give formal and final warning that henceforth every point of order which is blatantly fraudulent will immediately result in dismissal from the Chamber. This I believe to be the will of the House, which I am here to serve.

NOTICE OF MOTION

CONSTITUTIONAL AMENDMENT: NATIONAL ASSEMBLY MEMBERS

Mr. Towett: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in order to afford efficiency in the running of this country in all sections of the structure of the Government, this House urges the Government to introduce a Motion to amend the Kenya constitution by making it impossible for a Member of either House of the National Assembly to be appointed or elected to the post of President or a Mayor in any of the local authorities.

ORAL ANSWERS TO QUESTIONS

Question No. 50

KAKAMEGA-BUSIA ROAD: TARMAC SURFACE

Mr. Mulama asked the Minister for Works, Communications and Power, bearing in mind the importance of Kakamega as a regional headquarter, would the Minister take steps to see that the Kakamega-Busia road had a tarmac surface at an early date?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply. The Government is exploring the possibilities of raising loans for road development with the international lending bodies for national and international trunk roads. This is a long-term scheme and will take a long time to get all the trunk roads throughout the country bituminized. There are other trunk roads in the country which rank higher in priority than the Kakamega to Busia road and these have the first consideration.

It is not likely, in view of the foregoing points, that the Kakamega to Busia road will receive consideration for bituminization in the near future.

Question No. 86

TELEPHONE CALLS: NAIROBI EXCHANGE

Mr. Kiprotich asked the Minister for Works, Communications and Power if he was aware that Members of the public were experiencing inconvenience caused by considerable delays in obtaining local telephone calls through the Nairobi Telephone Exchange and would he take steps to request the appropriate authority to remedy this state of affairs?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. I am informed by the Director of Posts and Telecommunications Administration that there have recently been delays in calls made to Nairobi subscribers through the exchange from towns outside Nairobi. A primary cause was the increase in traffic resulting from the emergencies in Zanzibar and on the East African mainland, which could not have been foreseen. Moreover, some of the existing trunk circuits had to be taken over for urgent Government business, and this caused further delays to non-Government traffic. These abnormal conditions are disappearing now and plans have been made to provide additional circuits in 1964/65.

Mr. Kiprotich: Mr. Speaker, Sir, could the Minister tell the House that this question was asked before the trouble started in Zanzibar. Could that not be an excuse for having the proper answer?

The Speaker (Mr. Slade): Mr. Mwanjumba, to deal with questions it might be better if you came up to the table and used the microphone. I think HANSARD have trouble in hearing.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I would ask the hon. Member to repeat his question.

The Speaker (Mr. Slade): I think I can repeat it for him. He asked you whether you had not received this question before the emergency to which you referred?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, once again I have only received this question this morning. I inquired in my Ministry and they said that they drafted the answer yesterday.

Mr. Ngala: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance. Twice this Minister has said that he received this question on the day that he has answered. Could we be told where the mistake lies.

The Speaker (Mr. Slade): I think it is a matter which we must investigate; the Clerk and myself. We will go into it.

Mr. Kiprotich: Mr. Speaker, Sir, I do not know whether only I myself or other hon. Members in this House have noticed that whenever you make a call, it takes ten minutes before you get an answer from the telephone box.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, it may take some time to get a reply from the telephone exchange, because it may be occupied by other subscribers.

Mr. Kiprotich: Does that mean that there is a shortage of telephone operators in the telephone exchange?

The Minister for Works, Communications and Power (Mr. Mwanjumba): There is no shortage of telephone operators. It is just the traffic which passes through the switchboard.

Mr. Towett: Mr. Speaker, Sir, could the Minister tell us what he means by this? When I call the General Post Office my line is open and I can hear it ringing, but there is no reply from that end. I want a reply to my line when I ring.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I have said that there may be delays because

the operator may be occupied with some other telephone exchanges, but if the hon. Member is interested I am prepared to look into the matter.

Mr. Ngala: Arising from that reply, could the Minister assure this House that there will be no more delays in operators answering subscribers or giving replies to them, because this causes a great deal of inconvenience?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, I have said that I am prepared to look into the matter which has just been raised by the hon. Member, but I cannot give an assurance now because sometimes there are unavoidable delays in these telephone exchanges.

Mr. Mulama: Arising from the Minister's reply, will he assure this House that it is because of the small switchboard we have that everything is complicated with regard to telephone calls?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I said in my earlier reply, that we are already thinking of increasing additional circuits for this 1964/65 period.

Mr. Omweri: Mr. Speaker, Sir, is the Minister aware that delays of telephone calls are not inconvenient to Members but to the people in the country?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I am aware of that.

Mr. Malinda: Mr. Speaker, would the Minister agree that in most cases these delays in telephone calls are due to gross inefficiency and insolence of operators in the main Post Office?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I do not accept these charges against the young men and women who are working very hard for the public.

Mr. Kamunde: Mr. Speaker, Sir, arising from the answer given by the Minister, could he assure us that the Minister is going to take steps to deal with a system which appears to be, not only inefficient, but rude?

The Minister for Works, Communications and Power (Mr. Mwanjumba): If the hon. Member can give me incidents of what is wrong, I will be prepared to look into that.

Question No. 93

INDUSTRIAL AND DEVELOPMENT SCHEMES:
KURIA

Mr. Mairoi-Inumbo asked the Minister for Finance and Economic Planning what arrangements the Government had made so far towards opening new industries and development schemes in Kenya?

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. The development programme will be ready some time in May. I hope it will be ready by the time we meet again, and it would be unfair for me to start discussing this at this stage. We shall have the whole programme, and the Council will have the opportunity of debating the whole of the development plan.

Mr. Malinda: Arising from the Minister's reply, Mr. Speaker, Sir, will the Minister assure this House at this moment that the programme is not going to be concentrated on only one area, but a countrywide programme for industries?

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, the development plan is for the whole country.

Mr. Margoe: Mr. Speaker, Sir, will the Minister tell us what is happening in Kuria?

The Minister for Finance and Economic Planning (Mr. Gichuru): I believe that the hon. Member knows that even Kurias are Kenyans.

Mr. Mairoi-Inumbo: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that Kuria is one part of Kenya which has been neglected for so many years and it is time for him to look into it and do something about it?

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I can assure the hon. Member that the whole country is being considered and has been considered in the preparation of this plan.

The Speaker (Mr. Slade): I think hon. Members will have to keep other questions until they see the developments.

Question No. 94

DIVISIONAL ASSISTANT EDUCATION OFFICERS:
LACK OF OFFICE ASSISTANCE

Mr. Barasa asked the Minister for Education whether the Minister was aware that Divisional Assistant Education Officers had no office clerks,

thereby detracting from efficiency of their work of supervising a large number of schools, and would the Minister take steps to remedy this defect?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. I am aware that there is no clerical assistance for Assistant Education Officers, but the hon. Member will remember that primary education is now the responsibility of the regions, and if he thinks that clerks are needed I would remind him to refer the matter to his Regional Authority.

Mr. Odero-Sar: Is the Minister aware that Assistant Education Officers sometimes use their houses as offices?

The Minister for Education (Mr. Otiende): I am aware of it and that is exactly the plan. It was found that they tended to stay in their offices in order to give work to their clerks and therefore it was ruled that they should have no clerks and use their houses as their offices.

Mr. Gichoya: Would the Minister tell this House that the Regional Assemblies should be instructed not to keep the Assistant Education Officers and that they themselves should work as clerks?

The Minister for Education (Mr. Otiende): Yes, Sir. That point was meant. The clerks were dismissed so that the Assistant Education Officers could learn a little about office routine.

Mr. Margoe: Mr. Speaker, Sir, isn't Education a responsibility with Central Government?

The Minister for Education (Mr. Otiende): I am sorry, Mr. Speaker. That is not a fact. The facts are that the Central Government has kept the money for the regions and has handed over the money for that specific job.

Mr. Khasakhira: Mr. Speaker, is the Minister aware that it would assist the problem of unemployment if he employed clerks to help the Assistant Education Officers?

The Minister for Education (Mr. Otiende): While I agree with my hon. friend, I would rather that the regions did that, Sir.

Mr. Komora: Mr. Speaker, Sir, does the Minister agree with me that the use of these houses as offices by the Assistant Education Officers causes a danger to books and other equipment as they could be burned by fire?

The Minister for Education (Mr. Otiende): Yes, Sir, but mostly they are provided with permanent houses.

Mr. Gatuguta: Mr. Speaker, Sir, since the Minister for Education is concerned with the general efficiency and administration of education in the whole country, can he assure this House that he could give directions to the Regional Assemblies to employ clerks for these Assistant Education Officers to enable them to continue with efficiency?

The Minister for Education (Mr. Otiende): Since the regional authorities thought that clerks were redundant I do not see how I can interfere. Mr. Speaker

Question No. 103

LEAKAGE OF KENYA PRELIMINARY EXAMINATION PAPERS

Mr. Ngala asked the Minister for Education: How many pupils were involved in the latest Kenya Preliminary Examination papers leakage? What penalty was given to such pupils? How many teachers were involved and what penalties were they given? What districts were most affected by the leakage?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, since this question has exercised the minds of my hon. friends I would like to take this opportunity to reply to it for the last time. The question reads: "How many pupils were involved in the latest Kenya Preliminary Examination leakage?"

Sir, it is not possible to assess the exact number of pupils who were involved in the latest Kenya Preliminary Examination papers leakage. Although it was generally known that a certain amount of leakage had occurred, it was impossible to pinpoint the exact schools that have been involved. Even evidence from marking reports and statistical analysis, was found to be inconclusive. The only numbers we could be certain about are those cases where cheating in the examination room was proved. These were very few. There was one case reported in Nairobi City Area, nine in the Central Region, two in Nyanza Region and seven in the Western Region.

In the case of these reported cheating cases, penalty took the form of disqualification of entry. It would be of interest to note that a number of these disqualified candidates had already in fact failed to pass the examination.

There were few allegations of teachers being involved. So far, however, investigations on these cases have borne no fruits.

As has been indicated in paragraph one, all evidence has been inconclusive except for classroom cheating. That being the case therefore, it is not possible to say which districts were most affected. It should be noted, however, that even in the areas where serious leakage was suspected, examination results for these areas have not been exceptionally good.

So, on the whole, Mr. Speaker, the matter has been under investigation and there is no conclusion because the police have been unable to discover the actual culprits.

Mr. Anyeni: Mr. Speaker, would the Minister give the House an assurance that next year there will be no leakages, or this year either.

The Minister for Education (Mr. Otiende): I do not know if my predecessors ever gave an assurance on that. Leakages have been going on for some four years unsuspected and, therefore, this year I have the authority to alter the whole system of examinations and I hope there will be no more leakages.

Mr. Ngala-Abok: What exact steps is the Government taking to see that there will be no more leakages of this kind?

The Minister for Education (Mr. Otiende): If I give away the secret then there will be another leakage.

Mr. arap Moi: Mr. Speaker, arising from the Minister's reply, would he introduce legislation in this House to make it an offence for anybody who is involved in these leakages?

The Minister for Education (Mr. Otiende): It is an offence already, Mr. Speaker, the only thing is that the law requires that you "prove beyond reasonable doubt" and, if it were not for that, I could bring a number of people before the courts.

Mr. Ngala: Mr. Speaker, arising from one of the replies of the Minister, is the Government changing its mind because last time the Government definitely told this House that there were leakages and today we are told that they are not.

The Minister for Education (Mr. Otiende): I do not think the hon. Member understood me. Instead of hiding like other previous Ministers did that there were leakages, I told this House that there had been leakages and therefore we are now taking steps to stop them.

Question No. 74

HEALTH CENTRES FOR DENSELY POPULATED AREAS

Mr. Odera-Sar asked the Minister for Health and Housing that in view of the Minister's proposed country-wide plan to set up health centres for every unit of 20,000 of the population, could he inform the House how soon health centres would be provided for people in areas numbering over 90,000, as for instance in Uganda.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply. Government's proposal of one health centre for every 20,000 people represents the target at which we aim and ultimately this may be, a centre for every 10,000 people. How soon we reach our goal depends on the availability of funds, not only to build the centres but to provide for their current expenditure.

A health centre costs about £7,000 to build and about £3,000 per annum to run. It is the responsibility of County Councils to make plans for adequately serving their own area. My Ministry will advise with plans, priorities, siting, provision of trained staff, and, when available, capital to assist in construction.

My Minister has planned trips to every Region similar to the one he made recently to the Rift Valley Region. During these trips he intends to meet the Elected Members for the areas concerned and the Presidents of the Regions together with Health Committees of the Regions to discuss health matters.

Mr. Odera-Sar: I would like to know from the Parliamentary Secretary, under the six-year plan from 1964 to 1970, whether these dispensaries will be sub-centres and then develop into full health centres, as Sigomre is already a sub-centre in Uholo, Ambira in South Uganda and Urenga in North-East Uganda, and Midhiero in Yiro?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I am rather bewildered, Mr. Speaker, if that is a question, but if the Member for Uganda is asking when we are to develop certain dispensaries in this particular area, he has mentioned Midhiero, Ambira and a number of other places. We have plans for these, but only for when funds are available.

Mr. Odera-Sar: The plans are there for 20,000 people and the Parliamentary Secretary has not told me when these plans are going to be implemented.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): If the Member for Uganda heard me right at the beginning, the plans must originate from the County Councils. We will only assist in the siting and giving the staff. The plans must start from him.

Mr. Mutiso: Mr. Speaker, is the Parliamentary Secretary aware that the question of health services is the question of Central Government and not of the County Councils?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): The hon. Member is completely wrong. The County Councils first.

Mr. Ngala: Arising from one of the replies by the Parliamentary Secretary, would he not agree with me that his Ministry has no plans? Therefore, if the plans originate from the County Council what special funds will be made available to the Regions to assist the County Councils to give this service in the time proposed?

Mr. Anyeni: On a point of order, yesterday I heard you say that Members should not ask more than one question at a time because it confuses the Ministers, but today the Member is asking two at a time.

The Speaker (Mr. Slade): You have asked one. Let the Parliamentary Secretary deal with that, and then ask the second one.

Mr. Ngala: I thought the Parliamentary Secretary was intelligent enough to deal with two.

The Speaker (Mr. Slade): I have said, Mr. Ngala, that it confuses both Ministers and Members. Ask one question first.

Mr. Ngala: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply when he said that his Ministry has plans and at the same time he said that the plans must come from the County Council, does he not therefore agree that his Ministry has no plans?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, if the Leader of the dwindling Opposition—

Mr. Shikuku: On a point of order, is the Parliamentary Secretary in order to refer to the Leader of the Opposition as a leader of a dwindling party when answering a question?

The Speaker (Mr. Slade): It is not exactly out of order what the Parliamentary Secretary said, but it does not help to make such unnecessary remarks.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, the question asked by the Leader of the Opposition was not relevant.

The Speaker (Mr. Slade): It is not relevant, no.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, my first reply is that we assist the various County Councils with sitting and training staff and money. We have got plans for training and establishing at least thirty-one health centres during the current year, but the plans must start from the County Councils. If they do not stir, we will let sleeping dogs lie.

Mr. Kamunde: Mr. Speaker, will the Parliamentary Secretary assure this House, or did he mean to assure this House, that the Minister will assist by guaranteeing staff to teach in health centres?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): That is exactly what I was going to do.

Mr. Khasakhala: Mr. Speaker, arising from the Parliamentary Secretary's reply, could he tell the House how many health centres are serving now, and how many has he marked out for development?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I do not know what particular area he refers to, whether it is Uganda or somewhere else in Kenya.

Mr. Khasakhala: I am referring to health centres.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): It is a matter for the whole country, and I think the reply is that there are nearly four hundred health centres planned.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies by the Parliamentary Secretary, could he give us a breakdown of how he intends to send the money to the various Regions to assist the County Councils financially over the period he has in mind?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, my friend appears to have the disease known as "Region-itis". The question has nothing whatsoever to do with Uganda.

Mr. Ngala: Mr. Speaker, Sir, the Parliamentary Secretary at the beginning said that he has plans and is prepared to provide money to flow to

areas all over the country. I am surprised to see that he now says that this question is irrelevant when he has mentioned it himself.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I have already said that we have plans for thirty-one this year.

Mr. Ngala: But I want to know about finance flowing.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): The Regions do not come into it. Once you start assisting us through your County Councils to get these particular health centres we have on hand built, the others will be up-graded. We are quite prepared to assist you with money and we are quite prepared to do so.

Mr. Ngala: Well, tell us.

The Speaker (Mr. Slade): Order, order.

Mr. Gatuguta: Arising from one of the Parliamentary Secretary's replies, could we know what is the cure for this "Region-itis"?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): The cure is a unitary Government.

MOTION

EXEMPTION FOR STANDING ORDERS: REDUCTION IN BILL PUBLICATION PERIOD

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move:—

THAT this House agrees—

(a) That the Compensation and Retiring Benefits (Amendment) Bill be exempted from the Provisions of Standing Order No. 86 (Printing of Amending Provisions).

(b) That the period of the publication of the said Bill be reduced from 14 days to three days.

Mr. Speaker, Sir, this Bill is not and should not be a controversial one. It merely seeks to put right a situation that has arisen from an error made by the draftsmen in London when writing the Order in Council in December last year. This error, if it is not put right, may lead to a number of serious misunderstandings on the part of those of our Civil Servants who should be compulsorily retired in order to facilitate the Africanization programme. Unless we can retire them within the provisions of the previous understanding, it may very well cost this Government an extra £2 million.

[The Minister for Justice and Constitutional Affairs]

This would have the unfortunate effect of retarding the progress to be made in Africanization. It will require the support of the House to the tune of 75 per cent because the amendment proposed, although it merely means the deletion of one word, constitutes an amendment to the Constitution, as-it were. Sir, it is a matter of urgency because the Africanization programme must continue at full speed, and for this reason, Sir, Government asks the House to accept the Motion.

I will deal with the various aspects of the Bill when we come to the Second Reading.

I beg to move.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko) seconded.

(Question proposed)

The Speaker (Mr. Slade): Before inviting hon. Members to debate this Motion, I must point out that there is a phrase there which is rather misleading. In (a), reference to Standing Order No. 86 (Printing of Amending Provisions) is a correct statement of what appears in the marginal note of Standing Orders, but the marginal note itself is misleading. What that Standing Order actually requires is that the provisions which are to be amended should be printed along with the Bill. It is really the printing of amended provisions that you are exempting this Bill from, if you accept this Motion.

(The question was put and carried)

BILL

First Reading

THE COMPENSATION AND RETIRING BENEFITS (AMENDMENT) BILL

(Order for First Reading read—read the First Time—ordered to be read the Second Time today by leave of the House)

BILL

Second Reading

THE COMPENSATION AND RETIRING BENEFITS (AMENDMENT) BILL

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, as the House will know, the Independence Order in Council, which introduced the Constitution of independent Kenya, makes provisions in section 14 whereby certain officers in the Public Service

of Kenya may be compulsorily retired to make way for local candidates. That is the power which enables the Government to pursue its policy of Africanization and localization at the pace which is in the best interests of the country.

Section 14 of the Independence Order in Council, not only provides for the compulsory retirement of expatriate officers but also of officers who are recruited locally but whose conditions of service include an entitlement to free leave passage overseas. This is a distinction which it is necessary to recognize. Firstly, we have the compulsory retirement of expatriate overseas officers. Secondly, we have the compulsory retirement of local officers whose terms of service provide for overseas leave. These are the two categories who are compulsorily retired in order to make way for local officers.

The Government of Kenya and the United Kingdom Government agreed before Independence that expatriate officers should receive certain scales of compensation if they were compulsorily retired in the interests of localization. This is another very important point to recognize: that the agreement for compensation provided for only those expatriate officers. The locally-recruited officers, on the other hand, who were entitled to overseas leave, were never promised such compensation, although they fought for it and tried to secure it, as our Government, the Government of the United Kingdom and those locally-recruited officers must all be well aware. The legal arrangements for the compensation of expatriate officers who were compulsorily retired were that the Government of the United Kingdom would draft and make the necessary law, which it did as one of its last legislative acts in respect of Kenya. This law is in the Kenya Compensation and Retiring Benefits Order in Council of 1963, made on the 4th December 1963, and coming into effect on the 11th December 1963. This law is published as Legal Notice No. 1 of 1964 and is part of Laws of Kenya. When this Compensation Order in Council was published, it was discovered that there was a drafting error in paragraph 5 of the Schedule to the Order which sets out the entitlement to compensation.

Paragraph 5 of the Schedule applies the compensation benefits provided by the Schedule to an officer required compulsorily to retire under section 14 of the Independence Order in Council, as if he were an entitled officer to whom the Schedule itself says that it shall apply. If Members have listened to what I have said, the agreement to compensation applied only to expatriate officers. The Order, paragraph 5 of the Schedule, was drafted as though compensation applied both

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to expatriate officers and also to local officers whose terms of service gives them overseas leave: in other words, to all officers and not just to entitled officers.

Section 14 of the Independence Order in Council provides for compulsory retirement, not only of expatriate officers but also of locally-recruited officers entitled to overseas leave. Thus, at first sight, it would seem that the compensation benefits intended under the Compensation Order in Council to be given to expatriate officers who are compulsorily retired have, through error in drafting, been given to locally-recruited officers with overseas leave entitlement who are compulsorily retired. So, if we retire a locally-recruited officer who has overseas leave entitlement, because of the error in drafting, he may now think that he is entitled to compensation before we can Africanize his post, which is entirely wrong and inconsistent with the original agreement.

To make the real intention of the Compensation Order in Council absolutely clear, paragraph 5 should have stated that the Compensation Schedule shall apply not to an officer compulsorily retired but to an entitled officer compulsorily retired, so as to exclude these other people.

At this stage, some Members may be asking themselves how such a serious error could have been made in such an important piece of legislation. Some Members might even be tempted to suspect that the mistake was deliberate. I think that I should provide the best answer I can at once. The Government of Kenya has no reason to suppose that this error was anything but an unintentional mistake. It is, perhaps, only fair to remember the extent and the complexity of the laws which had to be made for the purpose of independence, and the speed with which they had to be prepared. It appears that the model for the Compensation Order in Council in which the error appears was the Uganda Order in Council dealing with the same subject. The Uganda Constitution, unlike our Constitution, did not make provision for the compulsory retirement of locally-recruited officers entitled to overseas leave. Unfortunately, this difference between the Kenya and the Uganda Constitutions was not noticed in time, and this is how the error occurred.

I do not know whether there is any difficulty in appreciating this point, that in Uganda locally-recruited officers with overseas leave did not have to be compulsorily retired in order to facilitate Africanization. In Kenya, we compulsorily retired two categories of officers: expatriates and those

local officers, even though they have overseas leave entitlement.

The Government has had to consider the position resulting from this error. It has decided that this mistake must be corrected by an Act of this Parliament. If Africanization continues as planned, and if these local officers were to be entitled to this compensation, the extra cost to the Government would be about £2 million. That position could not be accepted by the Government. Certainly, any one of these local officers reading the Compensation Order in Council might at first sight think that he had become legally entitled to an uncovanted benefit, and he might be tempted to claim this windfall, and even to go to court about it. However, I am able to say that the Government's legal advice is that the obvious mistake in the Order in Council does not, in fact—and I repeat, does not, in fact—have the effect of conferring this windfall on local officers. Their position remains as it was, and we do not accept any liability to any of these local officers, merely because somebody made a mistake in London. It is a basic principle of law—

Mr. Ngala: You should have corrected it before it was published.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): We were not as idle as the Leader of the Opposition at that time.

Mr. Speaker, if we had not seen the mistake, we would not be debating this Motion today.

It is a basic principle of law that any written instrument must be read and construed as a whole. In other words, you must read the whole Order and consider every detail before you decide the meaning of one phrase. When the Order is read as a whole, and the conflict in its provisions brought about by this mistake are carefully considered, it is clear, in the opinion of the Attorney-General, that these local officers are not entitled officers under the Order. Members may then say: if that is so, why introduce this Bill? Firstly, however certain Government may be as to the correctness of its legal advice, it should not risk £2 million on anyone's advice, however learned, when the risk can be removed altogether by a simple piece of legislation.

Secondly, these local officers may be otherwise advised, and advised wrongly, if I may say so, and might be tempted to claim and even to go to law for what is not theirs by right of any legitimate expectation, but only, if at all, in consequence of the accidental omission of one word from a written law. It is not in the public interest that such litigation should occur, or that a matter

[The Minister for Justice and Constitutional Affairs]

of this importance should be left in doubt, however slight the doubt. Although the error is an Order drafted and made law by the United Kingdom, that Order is now part of the law of Kenya, and only this Parliament can now amend it. Although the purpose of this Bill is only to add one single word to the Compensation Order—

Mr. Ngala: What is it?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): "Entitled". —to the Compensation Order so as to remove all possible doubt as to who is entitled in the scale of compensation provided for in the Order, this Bill must, for technical reasons, be treated as an amendment to the Constitution, and consequently requires the supporting vote of three-quarters of the Members of each House.

I have said, as a result of the technicality of this amendment, and although we are only going to add one word to the Order in Council, technically, this amounts to an amendment of the Constitution and, under the provisions of the Constitution, will require the supporting vote of 75 per cent of each House, that is of its total membership. So Members will see why, although it is a small question of one word, the Government treats this as an important Bill and has sought to explain it very fully. I hope to the satisfaction of the House. The reason for this is that section 195 of the Constitution safeguards the pension rights of public officers by preventing Government from changing certain pension laws, including this Compensation Order, except by amending section 195 itself. If the meaning, and effect, of the Compensation Order does have to be altered, then section 195 has, to that extent, to be amended. Although the proposed amendment to the Order is precautionary, the consequential amendment of section 195 is a necessary part of the precautionary measure. I hope that there are no Members of either House, regardless of party, who oppose the Government's policy of Africanization and that there are no Members who would wish to see the policy cost an extra £2 million. Not only do I ask for the requisite majority in Parliament, but for a unanimous support for this Bill. If Africanization is not to be jeopardized, then, Mr. Speaker, this Bill must be passed.

Sir, I beg to move.

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh) seconded.

(Question proposed)

Mr. Ngala: Mr. Speaker, Sir, I think this is a very serious mistake which should have been discovered by the Government before the 12th December, to put matters right. I think this Government has a habit of being slow and tending to be ignorant over important issues. But, on this matter the Opposition, right from the beginning, has taken the line that it is completely unnecessary to compensate these people, as the Kenya Government. They should be compensated by the British Government. Since the effort that has been made by the Minister responsible, is an effort to correct a mistake that will save £2 million for this country, the Opposition supports the Minister. I think, indeed, it was not necessary for the Minister to make such a long speech, repeating himself so many times. It is very clear that the intention is that a mistake has been made and in that, instead of expatriate officers only being entitled to these retirement benefits, non-expatriate officers have been included by mistake and, therefore, the Government wishes to put right this matter so that these people are not misled by the law. I hope that the Government will follow up this legislation by making it very clear to the civil servants concerned so that they do not work under serious misunderstanding. The Minister said that he hopes that no Member opposes the Government policy of Africanization. Mr. Speaker, Sir, we are supporting the Minister in the hope that the policy of Africanization will really be a policy of Africanization and not a policy of blackization.

The Speaker (Mr. Slade): I am sorry to interrupt you, Mr. Ngala, but I see quite a lot of Members leaving the Chamber; and in view of the fact that this Bill will require a vote of at least ninety-four Members. I do want to ask all hon. Members stay around until we arrive at the point of voting.

Mr. Ngala: The Minister has mentioned the policy of Africanization. This policy is being used as a lip service and by the Minister himself because as we are outsiders, we do watch the Government and we see the Government only giving jobs to people who belong to a certain political party.

The Speaker (Mr. Slade): Mr. Ngala, I do not think this is really relevant to the Motion. Even if the Minister touched on it, we must stick to the question of amending the Order in Council.

Mr. Ngala: Mr. Speaker, Sir, I will not follow the Minister in his wanderings, and therefore on

[Mr. Ngala]

behalf of the Opposition I would like to say that, although in principle we very strongly rejected the giving of £29,000 to these officers originally, we rejected it as the Opposition and now that a mistake has been discovered which would have resulted in a further £2,000,000, we support the Minister for correcting this mistake.

Mr. Pandya: Mr. Speaker, Sir, I appreciate the urgency of this Bill and also thank the Minister for the very detailed survey he has given of the reasons why he wishes to introduce this Bill through all its stages today. I do support the policy of Africanization for I know that this Government means to include all the local citizens of this country. But, Sir, I have just one query to make and that is, with regard to the effect on local officers, whom we compulsorily retire, who wanted to forego these overseas leave privileges and become citizens of this country, would they still be asked to compulsorily retire? Or would they be allowed to continue on local terms without these benefits accruing to them in the future? I think this is a very important point because I know many such officers have taken out local citizenship, or intend to take out local citizenship, and would like to continue to feel that they will not be Africanized because of some of the decisions that have been taken at the stage of independence. With that reservation, Mr. Speaker, I would like to support this Bill. As the Minister said although it is an addition of one word, it does change the character of the whole Bill, although, personally, Sir, I would say that with regard to a decision that was taken some time ago, it was an unfair decision to have left out those officers who were locally recruited but were given many privileges. Just on the grounds of designating them as expatriate officers and locally-recruited officers, they were given different treatment by the British Government and the Kenya Government of that time.

With those reservations, Mr. Speaker, I beg to support.

The Speaker (Mr. Slade): Now, I must remind hon. Members that in discussing an amending Bill we are limited strictly to the proposed amendment, which is simply to exclude from certain benefits certain officers, who, on the face of it, are now entitled to those benefits in the event of retiring. We cannot really discuss on this Bill who are going to be retired, who are going to take their places, or what is going to happen to them when they go, and other questions of that kind.

Mr. J. M. Kariuki: Mr. Speaker, Sir, I want to be as brief as the Minister, and what I would

like to mention here is that the Minister told us that this was not legitimately done in the Constitution. However, I would like to suggest that as the Minister responsible for Constitutional Affairs he should go through the Constitution to find out whether there may be some other errors which need to be rectified by this Parliament. This would be better than finding out another mistake today and bringing it to Parliament when it is too late. I would also like to mention to the Minister that it is very important, and that is why we consider that this Constitution is not the right one for Kenya and that he should go into it and find out whether there are many other mistakes in the draft of the Constitution and try to rectify them so that he does not come back to Parliament later and say that this was wrongly drafted. These are the two points that I would like to put to the Minister: that it is not necessary to wait until it is too late and then bring such Bills to Parliament. It would be advisable if the whole Ministry were to go through the Constitution and find out whether there are other clauses or parts of the Constitution which were wrongly drafted, and whether the mistakes were made deliberately or through genuine error. As far as I can see, Sir, I do not think there are many people who can stand in this House and oppose the course of Africanization. However, at the same time, we would hate to see this Government, which is not so rich, losing money as a result of a particular person who did something either deliberately or by mistake in London. Therefore, I hope that everybody will give this Bill all their support and encouragement, both in this House and in the Senate. With these few remarks, I beg to support.

Mr. Omar: Mr. Speaker, I would also rise to support the amendment to this Bill because I believe that the object of this Bill is to try to safeguard about £2,000,000 for the country. However, at the same time there is one point which I would like the Minister for Constitutional Affairs to bear in mind and that is on Africanization. I understand that some civil servants are employed from Ghana and these are Africans.

The Speaker (Mr. Slade): I think, Mr. Omar, that this is not relevant to the amendment proposed by this Bill. We cannot follow up who are going to take the jobs of the men who are being retired now. This is only an amending Bill which affects certain benefits of those retiring from the Service.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I am grateful to hear the support given by Members

[The Minister for Justice and Constitutional Affairs]

of both sides of the House to the Bill. There are very few questions raised which require any reply. First, I would like to repeat again that the Kenya Government does not believe that this mistake was intentional. I would only say to the Leader of the Opposition—who is out of the Chamber right now—that we cannot accept any accusation of negligence or indifference because the House will understand, as I have already said, the complexity of the legislation that had to be dealt with at that time and the speed with which some of these things had to be done. However, I think Government deserves to be complimented, if I may say so, for discovering the mistake and seeking to put it right in time before any damage was done, and within only the first two months of being in office.

Now, Sir, the hon. Mr. Kariuki has said that we should seek to find out if there are any similar errors in the Constitution or in any other piece of legislation. All I can say to the House is that of course we are aware of the need to ensure that there are no mistakes or errors and we will discover them as we go along. We are proceeding with whatever amendments may be required as a result of the transition from colonial rule to independence with all the legislation in the country. So, there can be no question of the Government not actively pursuing these matters. Sir, as I have said, there are not many points; raised there are some which were raised and which you have ruled to be either not in order or irrelevant to this debate. I cannot engage, at this stage, in any argument as to whether it was right or wrong to have included or excluded the locally recruited officers from compensation. This, Sir, is flogging a dead horse. One point, however, has been raised which I feel, Sir, it would be useful to spend a moment on, and that is the position of the locally recruited officers who have become Kenya citizens. All I want to say, in the House, is that this Government believes that any person who is a Kenya citizen has the full rights and protections that are accorded to a Kenya citizen who has a black face. That position will be upheld, in employment, and in other spheres of life, and I give that assurance without any reservations.

(The question was put and carried)

DIVISION.

The Speaker (Mr. Slade): The ayes have it, but as the Minister has pointed out, under section 71 of the Constitution of Kenya this particular kind of Bill cannot be passed without the support for the Second Reading and Third Reading of

three-quarters of all the Members of the House. That, I calculate to be ninety-four Members according to the present strength of the House, and our Standing Orders on such occasions require us to go to a Division to prove that we have the support of the requisite number. Ring the Division Bell.

(The Division Bell was rung)

(The question was carried by 97 votes to Nil)

(AYES: Messrs. Achieng-Oneko, Agar, Alexander, Amin, Anyieni, Areman, Argwings-Kodhek, Ayodo, Babu, Barasa, Bomett, Bonaya, Chanan Singh, De Souza, Dingiria, Ekitella, Gachago, Gasiatta, Gatuguta, Gichuru, Godana, E. D., Godana, B., Godia, Jahazi, Jamal, Kaggia, Kaji, Kamau, Kariuki, G. G., Kariuki, J. M., Kase, Kerich, Khalif, Khasakhala, Kiamba, Kibaki, Kibuga, Kioko, Kiprotich, Koimane, Komora, Kubai, Lorema, Makoha, Makone, Malinda, Matano, Mbat, Mbogoh, Mboya, Moi, Mongare, Mulama, Dr. Mungai, Messrs. Murgo, Muriuli, Mwalwa, Mwamzandi, Mwanjumba, Mwatsama, Mwendwa, Ndile, Ngala, Ngala-Abok, Ngei, Njeru, Nyagah, Nyamweya, Obok, Odero-Jowi, Odero-Sar, Odinga, Oduya, Okello-Odongo, Okwanyo, Omar, Omweri, Onamu, Osogo, Pandya, Rahman, Rurumban, Sadalla, Seroney, Shikuku, Sei, Somo, Taniu, Theuri, Tuo, Tuva, Tuwei, Wajyaki, Wamuthenya, Wariithi.)

The Speaker (Mr. Slade): The result of the Division is Ayes 97, Noes Nil. I therefore have to declare that the Second Reading has been passed by the requisite number of Members.

I would also like to warn hon. Members that we have to go through exactly the same procedure again on the Third Reading, so it is very important that hon. Members stay within reach until we have been through that stage.

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

(The Chairman (Mr. De Souza) took the Chair)

THE COMPENSATION AND RETIRING BENEFITS

(AMENDMENT) BILL

(Clause 2 and 3 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I beg to move that the Committee doth report to the House its consideration and approval of the Compensation and Retiring Benefits (Amendment) Bill without amendment.

(The question was put and carried.)

(The House resumed.)

[The Speaker (Mr. Slade) in the Chair]

REPORT AND THIRD READING

THE COMPENSATION AND RETIRING BENEFITS (AMENDMENT) BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed to report that a Committee of the whole House has gone through the Compensation and Retiring Benefits (Amendment) Bill and approved the same without amendment.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Health and Housing (Dr. Mungai) seconded.

(Question proposed)

(The question was put and carried.)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the Compensation and Retiring Benefits (Amendment) Bill be now read a Third Time.

The Minister for Health and Housing (Dr. Mungai) seconded.

(Question proposed)

(The question was put and carried.)

DIVISION

The Speaker (Mr. Slade): We have to go through the same procedure as before. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): Order, order. The Clerk has informed me that we have only eighty-nine hon. Members present so we cannot proceed with this Division today. We shall have to leave it to another day. At present, it is recorded that the Third Reading has been approved by the House, but not yet received the support of the necessary majority.

MOTION

LIMITATION OF DEBATE: MOTIONS ON THE ADJOURNMENT

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Mr. Speaker, Sir, I beg to move:—

THAT the debate on any Motion for the Adjournment to a day other than the next normal sitting day shall be limited to a maximum of one and a half hours with not more than five minutes being allotted to each Member speaking.

Sir, the object of this Motion is quite clear. The Motion has been discussed by the Sessional Committee and has been approved by the Sessional Committee. When we had the Motion for Adjournment last time, people took full advantage of the Standing Orders and spoke at great length, whereas the object of a Motion for Adjournment is to give Members an opportunity to state briefly the problems with which their constituencies are faced or which they think the country as a whole is facing, which would need the attention of the Government.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. De Souza) took the Chair]

We feel that that could be stated very briefly and the Sessional Committee feels that five minutes is long enough for a speech on an occasion such as that. For that reason, it is necessary to adopt this Motion, so that when we move the Adjournment next time, as many Members as possible can take advantage of the Motion and speak on it, but no Member tries to monopolize the debate.

Sir, I beg to move.

The Minister for Health and Housing (Dr. Mungai) seconded.

(Question proposed)

Mr. Shikuku: Mr. Deputy Speaker, I feel that this is a Motion which is worth talking about. I feel that the Parliamentary Secretary, knowing very well how much each and every Member has to say, will definitely agree with me that the time he has proposed is indeed very short. I do not see any reason why we should not continue the old procedure whereby each and every Member was able to speak, and why we should restrict it to so short a time. I think that during this Motion on the Adjournment several Members have a lot of things which they wish to point out that

[Mr. Shikuku]

Government does not do. I do not know whether the Parliamentary Secretary, in moving this Motion, intends more or less to curtail the views of the Members in pointing out the mistakes of the Government or what they feel the Government should do. If that is the case, Mr. Deputy Speaker, then he may rest assured that we are here to speak the minds of the people and it is during this time that each and every Member has a chance to put across what he feels the Government is not doing. In particular, the present Government and the Ministers are very tired and need to be woken up, and they can only be woken up during this debate or this Motion.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waijaki): Question

Mr. Shikuku: I can hear one of the Parliamentary Secretaries shouting "Question". He is one of the people who stood up with a heap of papers in his hand, supposed to be speaking the views of the Government, for us only to be told the following day that he was not expressing the views of the Government. Mr. Speaker, this was a very embarrassing issue, and we feel that during the Motion on the Adjournment we can point out such mistakes and question the responsibility of Ministers which we feel is dwindling. In view of this I feel that it will only be reasonable if the Government can reconsider its own proposal in regard to the short time allotted to this, and that we should have three hours thereby giving ten minutes to each Member to express his views on what he feels the Government should do. I feel that five minutes is too short. Hon. Members were told the other day that some hon. Members were a little old, and it might take them one minute to leave their chairs. By the time he gets up to speak another minute has gone, and in the end he will only have three minutes in which to speak. I think the Government should reconsider this, and make it ten minutes for each Member to air what he feels the Government should do. I hope the Government will be more interested, because if they want to govern well they must go along with the views of the Members in this House who are expressing them on behalf of the people who elected them to this House.

I do not have much to say on this. I see that the Parliamentary Secretary is in high spirits, and I can see that he is quite jolly. I hope he will agree to this proposal, that we should have three hours, so as to give ten minutes to each Member to speak on this Motion on the Adjournment. I do not raise this matter because I am trying to oppose the Parliamentary Secretary's proposal, but

I assume each and every Member in this House would like to put across the feelings of his people and there should be enough time for him to do so. It is not only for me but everybody. Therefore, Mr. Speaker, knowing that each Member will support me in this proposal in the interests of their own people and the people of Butere, of course, I beg to oppose.

Mr. Khasakhala: Mr. Deputy Speaker, I fully support this Motion. If any person takes time to read the HANSARD, he will find that most of the words that are spoken here are merely repetition. He should limit himself to the facts, as it is the facts we require in this House, not mere repetition which the Member for Butere has been speaking for the last ten minutes. In fact, every day he has a lot of papers in his hand, but he says nothing. Mr. Deputy Speaker, I would fully support this Motion because the—

Mr. Agar: On a point of order, Mr. Deputy Speaker, is it in order for a Member to say directly that another Member is saying nothing?

The Deputy Speaker (Mr. De Souza): It is quite in order to say that it is his opinion, but I would rather he did not do that. I think he can pass a general observation.

Mr. Shikuku: On a point of order—

The Deputy Speaker (Mr. De Souza): Did you hear what the ruling on points of order was?

Mr. Shikuku: Yes, but in view of your ruling, would it not be in order for him to withdraw the remarks about the Member for Butere standing here with a heap of paper in his hand, but saying nothing?

The Deputy Speaker (Mr. De Souza): I think my ruling is enough.

Mr. Khasakhala: Mr. Deputy Speaker, I agree with your ruling. The Member knows very well that—

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, could the hon. Member substantiate what he is telling this House, that I do not say anything?

The Deputy Speaker (Mr. De Souza): I think it has been made very clear time and again what type of allegation one is required to substantiate and what type is not required to be substantiated. This is certainly not the type of allegation one is called upon to substantiate. Mr. Shikuku, please do not rise on points of order which you know—or at least by now you should know—are nothing but fraudulent. This is not the type of allegation which is required to be substantiated.

[The Deputy Speaker]

It is a general allegation which does not require substantiation. Your point of order does not arise.

Mr. Khasakhala: Mr. Deputy-Speaker, my time has been wasted with these points of order. I would draw the attention of the Member for Butere to the fact that this Motion was brought to the House after careful study by the Sessional Committee which is composed of Members of both sides, the Opposition and the Government sides. Therefore, to oppose it would not be in order at this moment. Mr. Deputy Speaker, Motions like these have people who move them, and the people who move them are given thirty minutes in which to move. Within that time, they put their points forward and the Government listens to them. I do not see the need to extend the time for the other Members who, in fact, are just supporting the idea as moved by the Mover of the particular Motion.

With these few remarks, Mr. Deputy Speaker, I beg to support.

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Mr. Deputy Speaker, Sir, the hon. Martin Shikuku seems to think that we are making a change in an established procedure. This is a new procedure adopted only recently. Previously, all that happened was that the Speaker announced the adjournment to a date, or if no date were fixed he announced the adjournment *sine die*. Now, however, the hon. Speaker feels that we should give Members of the House an opportunity, before adjourning, to air some of their views. In any case, it should be remembered that this comes at the end of a sitting. Members have been talking all the time, they have been expressing the views of the people they represent. This does not interfere with their speaking on Motions or Bills which come before the House.

This is a Motion which deals with the last one and a half hours, and if we were to accept this suggestion to allow three hours for a Motion like this, it would mean calling the House together for a whole day only for this one Motion. That, I think, would be wasteful. In any case, as has been pointed out, this Motion has been approved by the Sessional Committee, which contains representatives of both sides of the House, and there was no dissension in the Sessional Committee itself.

(The question was put and carried)

COMMITTEE OF SUPPLY

(Order for Committee read)

[The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The Chairman (Mr. De Souza) took the Chair]

GUARANTEE OF LOAN REPAYMENT: NAIROBI CITY COUNCIL, KARIOKOR HOUSING ESTATE

The Minister for Health and Housing (Dr. Mungai): Mr. Chairman, Sir, I beg to move—

THAT this House approve that the Government should guarantee the repayment to the Commonwealth Development Corporation of a loan of £125,000 to the City Council of Nairobi to be used for the redevelopment of Kariokor Housing Estate.

The Minister for Health and Housing (Dr. Mungai): Mr. Chairman, I was saying that all hon. Members will remember the dark brown brick, single-roomed, houses which stood across Nairobi River on Racecourse Road on the way to Eastleigh at Kariokor for many, many years. I am unofficially informed, Mr. Chairman, that these buildings were set up after the First World War, about 1919, for those people who had joined the British Forces and gone to Tanganyika to fight against the Germans as the Carrier Corps. When they came back, the Government built these houses for them, and that is how, I understand, it came to be called Kariokor, from the name Carrier Corps.

Since then, those buildings have become dirty, dilapidated and insanitary. Any normal, breathing man going through to Eastleigh and passing near there will have noticed the smell which came from that place. This is because it is very difficult to repair them, they are too old, the sanitation is rather poor, and they are not kept well. It is very difficult for the City Council to keep them in good shape:

At the same time, they are overcrowded. I paid a visit there several times, and I remember that whenever you went there during the day the women were cooking outside and the children were all around. The whole floor of the building was used as a sitting room. At night, the same floor was turned into a bed, not a bedroom but a bed, because the whole thing was a bed. You would find anything from sixteen to twenty people sleeping in one single small room.

These buildings, therefore, were unsafe for human habitation, and yet this area had the highest concentration of Africans living in this City, or for that matter anywhere per acre in the whole country. Kariokor has always been the sore spot of Nairobi City, as it was so close to the centre of the City and there was so much business and traffic around the area. As a result

[The Minister for Health and Housing]

of the overcrowding and the traffic, there were also many accidents.

It is areas like these on which this Government is concentrating to bring the benefit to the lower income people, and to transfer their standard of living from that of misery to where they can enjoy it with human dignity and a sense of physical comfort: Where the brown stone buildings stood for many years, the Council has plans for building five hundred shining modern, new, three-roomed flats in four-storey blocks, at an estimated cost of about £500,000. They will replace the brown buildings which have now been demolished. This development will be very welcome to the African population of Nairobi. I have said that the old buildings have now been demolished to give way to these newer, more sanitary, well-aired, well-planned apartments.

The plan will be carried out in two phases. So far, finance has been obtained for the first phase only which comprises 240 flats, and will cost £263,000. Of this sum, £125,000 will come from a loan from the Central Housing Board of the Ministry of Health at 3 per cent interest and payable over forty years. The Board can make this loan only because it has, itself, received a free grant of this sum from the Agency for Inter-national Development of the United States Government. The grant is to be used by the Board as a revolving fund for financing slum clearance schemes in Nairobi, Mombasa, Kisumu, Nakuru, and other towns which have slums.

I would like to take this opportunity of thanking the United States Government for helping in this way in an attempt to solve our housing problem.

A further £125,000, which is the subject of this Motion, has been negotiated by the City Council as a loan from the Commonwealth Development Corporation. The loan is for a period of 25 years. Interest will be charged by the Corporation at 1½ per cent above the cost at which the Corporation borrowed the money from the British Treasury—that is to say, an interest of 6½ per cent at the present time. The loan will be made direct to the City Council and will be secured on the properties and revenue of the City Council of Nairobi. The Corporation has, however, asked the Government to guarantee the loan.

I do not need to remind this House of the shortage of houses in Nairobi and of the need to support schemes for alleviating that shortage. Finance for housing schemes is not easy to get and we must encourage every offer of help in this field of development. The City Council has a long experience of financing, constructing and

managing large housing estates and the Government considers that this guarantee can be given with confidence.

Finally, Sir, let me say that we have not been able to continue with the construction of this housing scheme, because this Motion had not gone through this House. I therefore place it as very urgent because, as soon as it goes through the House, we will be able to get the funds and start with the building and develop these flats which are very badly needed in this African area. In accordance with the usual practice where Motions of this nature are being debated, I have to inform the House that the total of all sums guaranteed by the Government—if this Motion is passed—would amount to £11,269,652.

Mr. Chairman, Sir, I beg to move.

(Question proposed)

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Chairman, Sir, after listening to the speech of the hon. Minister for Health and Housing, I feel I should support this Motion. I am supporting it because he has been very careful not to forget the slums in other places like Mombasa, Nakuru and Kisumu. However, I would rather like it if the Minister could make provision for some of the smaller towns like Kericho, Kisii and many other places because these places also have slums and we would like to clear them.

Another point I would like to put to the hon. Minister, and I hope he will consider it, is that when his Ministry is handling the scheme for constructing new houses, particularly at Kariokor—we have in this country a practice of giving building contracts to non-Africans. We now have in the country so many African builders, African building firms, who are capable of building houses like the houses which the Minister has in mind. We would like to see that, whichever authority is concerned with handling the contracts, that the African building contractors get the contracts. This is one way in which we can ensure that the money we have received will be used within the country.

The other point, Mr. Deputy Speaker, is that we should ensure that these houses, once they have been constructed, do not have such high rents as exist now in most places in Nairobi. The rent of houses in Nairobi is too high for the low income earning group.

[The Chairman (Mr. De Souza) left the Chair]

[The Deputy Chairman (Mr. Slade) took the Chair]

[The Parliamentary Secretary for Justice and Constitutional Affairs]

Perhaps the hon. Parliamentary Secretary is not aware of the general complaint in Nairobi, although he should know it as he is representing the area. Mr. Chairman, the rent for the time being in Nairobi is very high and when the new housing estate at Kariokor is completed we would like to see that this housing estate really caters for the low income earning group of persons, because that is the only way we can provide housing facilities for these people. At the present moment, most of these people are very badly housed, they do not even have houses some of them, they sleep in places which are beyond human habitation.

Another point, Mr. Chairman, which I would like to draw the Minister's attention to, is the possibility of making the money, so advanced to the Kenya Government, available for assisting people who would like to have their own houses in other urban areas, not only in Nairobi but in other towns in the country, like Mombasa, Kisumu, Nakuru and Ishebania, where the hon. Member for Kuria comes from. On our way to Nakuru, we have fine examples of good houses which have been built by the Africans, possibly with assistance from certain societies. It would be a very good idea if the Minister could arrange that part of the money so available could be given to these people who would like to build their own houses in other urban areas.

With these few remarks, Mr. Chairman, I would like to support the Motion.

Mr. De Souza: Mr. Chairman, Sir, first of all I want to thank you for your kindness in relieving me of the Chair for a few minutes so that I can say a few words on this Motion, Sir, my constituency borders directly on Kariokor and, therefore, I believe that it is my duty to put on record a few of the feelings that many of my constituents have in this particular regard.

Firstly, Sir, I would like to congratulate the Government on a very important step that is being taken by passing this Motion; because we are starting, I think, on the first phase of a slum clearance scheme by which areas which are dangerous to health in our cities are being cleared. We all know that Kariokor has been an area of grave danger to the health of all the people of Nairobi and, in fact, this area not only consists of Kariokor but all the areas immediately adjoining it, namely Ziwani and Pumwani. I believe only about a year ago the Medical Officer of Health for Nairobi said that there was a danger of bubonic plague spreading

throughout Nairobi if this was not checked. I am sure, and I certainly hope, that the hon. Minister will take into consideration the area and the plight of the insanitary conditions of Pumwani and extend his slum clearance scheme to cover the comprehensive rehousing of estates like Kariokor and Pumwani.

Secondly, Sir, we also know that this particular area, consisting, as it does, of such unclean, insanitary housing, has also housed a large number of what one would call the criminal element of Nairobi and that area has become very dangerous for the people of Nairobi to go out at night. So it is very important that they should be rehoused and that, in the new flats, when they are erected, we should find a new class of person who will bring much better behaviour to our city as a whole.

Thirdly, Mr. Chairman, I would like to appeal to the Minister to ensure that the roads leading to this new housing estate and through it are widened, because this is also an area where there are a large number of traffic accidents. In fact, if one goes through this area in the morning at about 7 a.m., one finds that about 100,000 people are streaming across Quarry Road, Racecourse Road—and the new Pumwani Road coming to Nairobi. There is, in fact, no pavement there and so everybody walks in the middle of the road and there are almost invariably one or two deaths in the morning. I, myself, during the election period, had a very narrow escape and I do request the Minister to use his influence to ensure that the new Pumwani Road, and Racecourse Road, are made into dual carriage roads with large pavements. This will ensure that persons who walk to Nairobi every morning have places to walk on and then, therefore, they will not have to run the risk of being run over by cars.

This is the only way in which one can look forward in this regard, because once the houses or flats are built then we will be told, "Yes, we are very sorry and we agree with you, but this is a very highly built-up area and now that the houses and flats have already been built we cannot extend the size of the roads." While I agree that it is very essential to have dual carriage roads going up Ainsworth Road and everywhere else, I think when we find that 100,000 people walk along these roads every morning, the least we can do is to provide them with pavements and sufficient security to ensure that there is no very great danger of traffic accidents.

Fourthly, Sir, in this regard I think the hon. Minister could also ensure that around the Dundee Petrol Station, which is at the moment a very grave security risk of our country—I think

[Mr. De Souza]

I am, in fact, within the Motion because we are talking of a loan to redevelop this particular area. I think this is a rare occasion that this House has something to say about the affairs, at least in this area, of the Nairobi City Council. Otherwise, this is, normally, under the scope of the Nairobi City Council, and we Members of this House never have an opportunity to express our views on this area. I am clearly stating what I feel is something of great importance to this particular area.

I would like to ask the Minister to ask the Nairobi City Council and the local police to ensure that there is at least a police force in this area of Racecourse Road next to Kariokor, because that is the place, where every day, when people walk across in the morning, watches are snatched, stones are thrown and, in fact, there is a lot of crime. This is, I think, about the most dangerous area in Nairobi and I would be very grateful if the hon. Minister would convey to the Nairobi City Council that we are very concerned about this area and something should be done.

Therefore, Sir, with these few remarks, I would once again like to congratulate the Government and the Minister most heartily for the great steps that have been taken, and I do hope that these steps will be extended very quickly to the other areas.

The Deputy Chairman (Mr. Slade): Hon. Members must stay seated until the Member has finished speaking. I cannot have half-a-dozen on their feet while he is still on his feet, Mr. Kibaki. I think you were the only one who did not offend and, therefore, you can speak now.

[The Deputy Chairman (Mr. Slade) left the Chair]

[The Chairman (Mr. De Souza) took the Chair]

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Chairman, I am very grateful that the Nairobi City Council has initiated this programme of slum clearance, but there are points which need to be emphasized and which we very much hope the Minister will convey to the Nairobi City Council.

I think that one of the most important points is that the slum clearance programme now is leading to a position where the poorer people are being sent out to the periphery of the town—gradually being squeezed out—and the centre of the town is becoming only for the higher income elements.

An hon. Member: These are the people who have cars.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): The hon. Member at the back is saying that these are the people who have cars to travel round. However, the point to emphasize, Mr. Chairman—and this is a very important point—is that these poorer people, when they are moved far away to Nairobi, as they are moved far away to Nairobi, and as far away as Eastleigh Section 7, have to pay yet higher costs on transportation. The bus fares in Nairobi are some of the most notoriously high in East Africa; they keep raising them any time they have any excuse whatsoever. They raise the bus fares for any small excuse; they say that the operating costs have risen but never try to justify how the costs of operating have risen. Mr. Chairman, if the poorer people are going to be moved to the periphery of the town, I think it is the duty of the Ministry of Housing, working jointly with the Nairobi City Council, to ensure that these people have facilities where they move to so that they can live the sort of life the Minister suggested they should live: a comfortable life. I do not see how they are ever, going to be comfortable with the transport tariffs as high as they now are and, above all, with very little facilities for shopping.

When these people move to these new areas, they have nice flats but the facilities for shopping, the facilities for schools, hospitals, clinics and health centres, and the facilities, for instance, for cinemas are very limited. I would like to suggest now to the Minister that he advises his local government authorities which are, in these cases, going to be responsible for this sort of housing, to send delegations overseas to go and study the more modern and civilized ways of providing housing for the working people in the towns. On a neighbourhood basis, each area is reasonably self-contained; it has a cinema, has a school, has a hospital and has all the other facilities which people require. As it is now, Mr. Chairman, when these people finish work in the evening, they have to rush home because they have their usual domestic commitments, but if they ever want to go out again in the evening they cannot possibly afford to come back to the centre of town where the facilities are now concentrated, because they do not have cars and they have to travel by bus. As the buses themselves have a complete monopoly, they are operated in such a way as to make the highest profit. Therefore, during the slack period in the evening, when there are not so many people travelling, the buses are reduced and we have very few buses operating. On those few routes on which they operate, the costs are high compared with the level of wages of those people who live in Nairobi.

[The Parliamentary Secretary to the Treasury] Therefore, I would like to suggest very strongly that from now on we do not multiply yet another Kariokor just a little bit outside the centre of Nairobi. This is merely postponing the problem and it is not solving it. I would suggest that we go all out for fully planned neighbourhood towns around Nairobi, they should be around the centre of the town and they should have all the facilities. Further, I would suggest that this aspect of transportation, which affects all the workers who are now being eased out of the centre of town, should be adapted. The Minister should recommend that the City Council should look into this as a result of their present operation, with a hope that somehow they might be able to bring about changes, either in the operation of the transport system in Nairobi, or at least, as a minimum, have a system of ensuring that the tariffs are checked and kept at a reasonable rate.

I want to stress another point, Mr. Chairman, that while I agree entirely that Kariokor has been one of the worst areas in Nairobi in terms of being overcrowded, being dirty and having no water and no proper roads and everything else and, therefore, it needed to have the first priority, it is, in fact, even more important that Pumwani and Shauri Moyo have the next priority. If you go to Shauri Moyo, Mr. Chairman—I do not know how many Members have gone there, but plenty of us know it well—you will see that the people who live there have one watering point for about 1,000 people. The women have to go and queue with buckets at these places to collect water for their houses. In each of these houses (which are built rather like cowsheds), there is hardly any ventilation, because the outside is all enclosed and there are little tiny windows somewhere near the roof. In each of these houses, you will find anything up to about ten families living. When you hear of an African family in Nairobi it always means upwards of seven or eight people. In Shauri Moyo, the people have to use one lavatory, which is outside, for every 500 to 1,000 people. During the rains, it is an impossible place to go around.

What is even more impossible, Mr. Chairman, is that the City Council is content to maintain an extremely high standard of living and cleanliness in certain parts of the town. We all appreciate that, but I would like to plead that the City Council should have a certain minimum standard of cleanliness throughout the city before it lays too much emphasis on obtaining the internationally high standards in certain other parts. What I refer to, Mr. Chairman, is this: In certain parts

of this city, you always have people every day cutting grass, you have people every day collecting refuse, you have people every day going around and making sure that the roads are in order. Every day, in certain parts of the town, in Westlands, along the Ngong Road, all these areas. Yet in Shauri Moyo, or for that matter Pumwani, during the rains, the grass is allowed to grow up to five feet before anybody cuts it. The refuse heaps up in the little bins until it overflows, and, of course, the usual risks, of which the Minister for Health being a qualified person in that particular field must be fully aware, are there.

I would like to emphasize that whereas we welcome very much this particular development in Kariokor, we would welcome even more an attempt by the City Council to ensure that a certain minimum standard of service is given to those people with lower incomes, and the whole town will thereby benefit from this. Let us face it: if some sort of disease did break out in certain parts of the town, we will lose perhaps the whole town, everybody will be affected. So, I should like to propose that the Minister emphasizes these aspects to the City Council when he reports them.

I would like to go on, Mr. Chairman, to suggest another aspect of this. It has been stated here by one hon. Parliamentary Secretary that the rents in Nairobi are very high. They are very high. For the little flats which we have, say, in Ofafa, people have to pay Sh. 102 per month. Now, Sh. 102 per month for people who are earning, say, Sh. 300 or less, means that they have to spend 40 per cent and upwards of their incomes on one item: rent. Mr. Chairman, everybody will agree with me that this is fantastic, it is very high. This is not to say that we do not appreciate the difficulties of the Nairobi City Council in trying to find finance for houses, but it is to say that they should, as of now, begin to think of a scheme, possibly the Co-operative Housing Scheme, where it will be possible to spread the cost of building over a longer period of time, so that the amounts that have to be paid in any one year will be smaller and therefore the rents could be reduced. The benefit to the workers is going to be very limited if the rents are going to remain as high as they are now.

I am advised that this subject has always been discussed by the Nairobi City Council, but they come back to the same argument that the rent must be economic. The rent must be economic, but there are ways of ensuring that the rent is

(The Debate continues)

[The Parliamentary Secretary to the Treasury] economic but at the same time not too much of a burden on the ordinary worker.

Finally, Mr. Chairman, I would like to emphasize that this system of the Central Government merely guaranteeing loans, which are given to local governments for housing programmes, does not look to me as though it will be satisfactory for a very long time. It is a system which we have inherited and I very much hope that the Minister will review the whole position of housing in the whole country.

It is time now that we regard the problem of housing as one central big problem which is going to be with us all the time. The trend now is for Kenya to get more and more industrialized, for our towns to grow, and for more and more of our people to come and live in towns. When we have completed the settlement schemes and when all the land has been dealt with, the school leavers will look to the towns for employment. Now it does seem to me that—

Mr. Masinde: It is not in Nairobi alone.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): We are not talking about Nairobi alone, I am sure we remember where the hon. Member comes from, it is Kakamega, and if he has a problem he will stand up and voice it.

What I am saying is that the whole problem of providing houses for the lower income people needs a complete review, because we should accept it as one of the social services that we have a responsibility to provide. I know, of course, the Minister will be handicapped by the present Constitution, but—

Mr. Masinde: Why?

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Because it is regionalist, and it is in a confused state. I would suggest that this is a subject which he should review now and provide a broad outline of policy on how we ought to go about it.

Mr. Chairman, Sir, with these very few words, and hoping very much that the Nairobi City Council will put Shauri Moya in the second place on the list after Kariokor, I very much support this Motion.

Mr. Theuri: Mr. Chairman, I rise to support this Motion very strongly.

The Motion shows what the Minister intends to do. He is a doctor himself and he knows very well how clean the city should be. I would like some portion of the amount mentioned here, which we are asked to approve, to be given to my town, which is also growing as a centre of

tourism. We always have great difficulty when we have many tourists coming to my town, Nyeri. We have heard that in the centre, the places where the people are living are more or less the same sort of slums as in Kariokor and Shauri Moyo. I would like to ask the Minister if he could allow us some money for Nyeri, so that we can develop that town. It is a very nice and beautiful town and is very attractive to the tourists who go there.

To come back to Kariokor, of course, it has been a most notorious area, and the Minister himself came to the point where he realized that the place should be cleared. This made me think this Motion should be supported, because it is the right way to clean up our city. However, there are some places which now we see are becoming almost like slums. It is not for the former colonialists who were here to come back here and say to us, "Look, we maintained Nairobi City as a beautiful city, a very attractive city to tourists from all over the world who come here, but within a short time the city has reverted to what it was before we came to this place." We have seen that there are so many little houses and shops being erected on the roadsides. This is the most shameful thing and is the responsibility of the Minister.

Mr. Chairman, we must make our city beautiful. Some time ago I heard rumours that the world was waiting for Kenya to become independent, so that it could come and have discussions with the leaders in Kenya, make Kenya the capital of the United Nations and have a United Nations headquarters here in Nairobi. We cannot have that while these little shops are being erected here. We know we have a responsibility to the people who are erecting these little shops on the road; they are old people who want to do something to help themselves, for their livelihood.

The Chairman (Mr. De Souza): Mr. Theuri, I think you are going a little too far from the subject of the Motion. The Motion is about guaranteeing £125,000 for Kariokor. I think you are going a little far out by discussing shops being built on the roadside. Please continue, but do not dwell on that at great length; you might go too far away.

The Minister for Health and Housing (Dr. Munga): For the information of the hon. Member, I would like to tell him that it is the responsibility of local government.

An hon. Member: Speech.

The Chairman (Mr. De Souza): That is perfectly right. Mr. Theuri, as I have already explained to you, you are going very far away from the present Motion, and, as the hon. Minister

[The Chairman]

has pointed out, what you are, in fact, now referring to comes under the responsibility of the Ministry of Local Government; it is completely outside the scope of the present Debate. So, please continue, but do not dwell any more on that particular subject.

Mr. Theuri: Thank you very much for that point.

With these few remarks, Mr. Chairman, I support the Motion very strongly.

Mr. Masinde: Mr. Chairman, today we are now being told how much money the Kenya Government wants to guarantee so that the City Council can build more houses in Nairobi. I once happened to see the Public Accounts Report, and I have seen how much the Kenya Government has guaranteed to the Nairobi City Council to obtain more money. But what is going to be the future problem in this country is that the Kenya Government is today continuing to sign the old papers which existed in the previous Government, which was a Colonial Government, and, in the past, the Europeans who were in control, wanted to create towns for themselves and they did so. That is why places like Nairobi are actually built up to foreign standards. We want to see such money also guaranteed for the county councils outside. This is a request.

The Minister for Health and Housing (Dr. Mungai): I have done it in Kakamega.

Mr. Masinde: Mr. Chairman, Sir, I hope he can also find something to do to help Kakamega, because of the drift to the towns by people from up-country. I want to mention, if I am allowed, that in Kenya we find that most of the teachers are running away to go Nairobi and such places possibly to get proper housing, because they have no proper housing facilities in the schools.

QUORUM

An hon. Member: On a point of order, Mr. Chairman, do we have a Quorum in the House?

The Chairman (Mr. De Souza): No, ring the Division Bell.

(The Division Bell was rung)

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Chairman, if we do not get a Quorum within a certain time, are we not required to adjourn?

The Chairman (Mr. De Souza): If, within three minutes of the time when it is declared that there is no Quorum, we do not have a Quorum, then the Chairman can report to the Speaker that there is no Quorum and the Speaker can then adjourn the House until the next sitting, but three minutes have not yet expired and instead of wasting twenty-five minutes of today's sitting we can probably wait for a minute or two,

We are now a Quorum.

Mr. Malsori-Itumbo: On a point of order, Mr. Chairman..... (Inaudible)

The Chairman (Mr. De Souza): Mr. Malsori, that is not a point of order.

Mr. Masinde: Mr. Chairman, Sir, I was just mentioning some of the anomalies which are controlling this country. Today we have an African Minister and, of course, he understands the problems very well. It is not the same as, what the previous Government had arranged for Nairobi alone. He has to open his eyes and look outside, so that such money comes to us all over the country. What I was trying to mention, Sir, was that today most of the teachers are running away because parents cannot afford to build houses for them, but they can only afford to build schools. What I want the Minister to do in future is to make sure that Government builds proper houses, so that teachers in future will be paying rent as they are doing in Nairobi. Then the county council will be receiving revenue from these people who pay rent.

Mr. Chairman, this is one of the things which is very important and is actually very perturbing. I have heard one of the hon. Members—

Mr. Khasakhala: On a point of order, Mr. Chairman, could I ask whether this Motion entitles a Member to speak outside the Motion? This Motion refers specifically to Kariokor and at the moment the Member is speaking outside Kariokor.

The Chairman (Mr. De Souza): I see you difficulty, Mr. Khasakhala, but I think Members are entitled to say, when they are speaking on this Motion, that they would also like to ensure that the Government gets similar facilities for their own area.

Mr. Masinde: Mr. Chairman, what I wanted to emphasize also on this particular Motion is how one of the hon. Members mentioned that after Kariokor, Shauri Moyo should be cleaned up. This is terrible, because it is not only Nairobi but

[Mr. Masinde] you get slums in Kakamega, Nakuru, Mombasa and elsewhere. How much time are we going to use in this House passing Bills or passing Motions supporting the Ministers whose interests are based in Nairobi? Yesterday, Sir, when we were speaking on Private Motions, most of the Members who spoke represented Nairobi constituencies. They talked a lot about the very many hospitals which are in Nairobi. Today, the Minister happens also to come from Nairobi and he has a constituency in Nairobi. He is getting all this money for this place. Mr. Chairman—

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Speaker, Sir, on a point of order, is the hon. Member in order to suggest that the Minister is getting the money for Nairobi when in fact the Nairobi City Council negotiated the loan and it is they who are going to receive the loan?

The Chairman (Mr. De Souza): Mr. Masinde, I think it is a perfectly legitimate point of order. You should not cast aspersions on the honesty or otherwise of a Minister. I think it is quite wrong for you to allege that.

The Minister for Health and Housing (Dr. Mungai): On a point of order, Mr. Chairman, is the hon. Member aware that a large percentage of the African population in Nairobi also come from Kakamega?

The Chairman (Mr. De Souza): That is not a point of order.

Mr. Masinde: I am very sorry, Mr. Speaker, if I was misunderstood by the hon. Member for Doonholm Road. I have to make it quite clear that my question was the question of this being extended to some other county council. I know that some of the county councils have asked for assistance from the previous Government, but they were not given it. I know that it is non-Government money, but it is the British Government that is giving the money, and if this City Council is going to get money it must give money to other areas for similar schemes, Mr. Chairman, Sir, I am sorry if I was misunderstood, but I hope I have made this clear.

Mr. Mutiso: Mr. Chairman, I rise to support this Motion, and I fully agree with the statement made by the Member for Doonholm Road. I have only a few points to make which have been left out and which are very important in this Motion.

One thing which I would like to point out is that we are required to guarantee a loan for the City Council for the sum of £125,000, so that the City Council can build the Kariokor Estate, but I wonder whether the City Council and its planners are aware that even the houses which they have built so recently do not cope with the pace of the country's development. I specifically refer to an estate known as Jericho. Since these estates were built, up to the present moment, some of them do not have lights. Members who live on those estates find it very difficult to find a place to park their cars. The houses were built in such a way that they scare even decent Members of Parliament or other councillors, who want to live in the heart of the City, into looking at other places such as Woodley Estate and Parklands. It would not be a surprise to find that even those Members who represent Nairobi constituencies, such as the Minister for Justice and Constitutional Affairs and the hon. Member for Doonholm Road, do not live there. This is because the houses do not come up to their standards. This is why I feel that if we are to guarantee such sums for the City Council to build new estates, they must be estates which will cope with the pace of the country's development. In my opinion, this is development whereby in the next fifty years, any person, be he from overseas or in this country, would like to live in those flats or quarters which are being built inside the City. However, at the moment, nobody would wish to invite any guests to one of these estates, if he has a house there. This is because the houses are built in an inferior way compared to other estates.

Personally, Mr. Chairman, I do not understand whether the City Council has been adopting the practice of discrimination in so far as Africans are concerned, because there is no uniformity on the part of the City Council throughout the City. This is only applied in the African locations. If we go to other locations where Asians and Europeans have their flats, which have been built by the City Council, you will find that they are up to standard, but when you go to the African areas you will find that people do not even want to go and look. Referring to an estate like Pumwani, where our hon. Minister for Justice and Constitutional Affairs is a constituency Member, that estate makes the people feel the Minister is being very unjust to them because, as a Minister for Justice, nothing has been done to bring Pumwani Estate up to standard.

Mr. Chairman, although we have to support the Motion so that the City Council can get this money, I just wanted to make these points, that

[Mr. Mutiso]

We expect Kariokor Estate to be built well, so that in the next fifty years we shall not come to this House and request the demolition of Kariokor so that it can be built again. We want decent houses which are permanent and up to standard according to the development in the country in the next fifty years.

With these few remarks, I beg to support the Motion.

Mr. Oduya: Mr. Chairman, I do not have very much to say on this Motion, but there are a few specific points which I would like to put to the Minister concerned, for him to convey to the City Council, because they are the people who are asking for this money?

Could I say, Mr. Chairman, that the present housing system in Nairobi is very poor? There is still a lot of discrimination. Some Members have said that we should forget the past and have a unified standard of living, accepting that all of us should live together as one nation as citizens, and we must respect that in all ways. First, with regard to the houses in Lumumba, the rent is too high although they are called the highest standard of housing in the African area, and you find that the lavatory and the bathroom are combined. If one person goes to the bathroom, to relieve himself, he cannot go. He has to wait until the other man comes out so that he can go to do what he wants. This is very poor. Take, for example, Woodley Estate, which also comes under the City Council—

The Minister for Health and Housing (Dr. Mungai): Interjection.

Mr. Oduya: You listen, do not laugh. You, Minister, listen. You find that in Woodley Estate the houses are more modern and adequate. They are built in such a way that the lavatories are separate from the bathrooms. In African areas, though, they do not do that. That is a mistake, and I want the Minister to convey it to the City Council, because it should be corrected. When they make new plans for Kariokor, we want to see decent houses.

Also, Mr. Chairman, immediately they build a house, it takes them time to come round to see whether it requires painting. Take, for example, Ofafa Maringo: the houses are dirty, and even the tenants have complained, but no action has been taken to make sure that these houses are painted every month to keep them up to the required standard of cleanliness. Some of these houses, when it is the rainy season, leak. I, therefore, hope the Minister will look into this because

it is no use charging the workers a lot of money and not looking after the houses.

Another thing I would like the Minister draw the attention of the City Council to, is that they are only charging a lot of money in order to make a lot of profit, and they are not interested in the lives of the people.

My next point on the question of housing is, since Kenya is now an independent nation, that the Minister should consult the Board, the Central Housing Board, to give money to the Busia Housing Board. They have built a new town at Busia and up to now there is no housing scheme organized. I think the Minister should note this and realize that we require a housing scheme like that they gave to Bungoma a year ago. We would like a similar housing scheme organized at Busia as soon as possible. Busia, of course, is in Teso.

I would like to mention the one point which was mentioned by my hon. friend here, He said that the contractors for the housing schemes in Nairobi and other places in Kenya are always foreigners. We should not give the contracts to foreigners only; we should also consider the black faces and see that some of these schemes are organized by them. We find that these moneys are granted by London, Williams or something, from London, will apply for the contract and the City Council gives out all the contracts to these people who come and take the money away from the country. Yet the Development Corporation which gives us the money from London expect us to pay it back, and that means that all the money goes to London instead of circulating in Kenya. This is another thing that I want the City Council to consider, very carefully indeed, that in the end we shall not be approving any money to the country. There are many, many African contractors, and qualified contractors, in the country now and they should be given priority so that this money is circulated in our country to help our people so that we do not have to go on begging all the time.

Now, we come to Pumwani. This is termed as the City's Sophiatown. It is a very interesting place but I will not go into details now. I wish, however, that the Minister for Justice and Constitutional Affairs was here because he is the architect at most public meetings for a better standard of housing for the African workers. He himself does not live in his own constituency. He lives in a wonderful palace like those of London and Washington, whereas, the workers who voted him in, live in places like Pumwani. Yet they voted him in just because he promised them that the housing problem in Pumwani area is going to be

[Mr. Oduya]

considered. This man had been returned since 1957, even during the Colonial régime he was advocating for this housing in Pumwani and Kariokor and all these places.

The Chairman (Mr. De Souza): This is not relevant.

Mr. Oduya: All right, Mr. Chairman, I quite agree with your correction, but we would like to draw the attention of the Members for Nairobi that it is no good cheating the people. When a plan is made let us see it. These houses are so poor, and the Parliamentary Secretary to the Treasury, who is also responsible for money, also supported the idea that in that particular area there are a lot of accidents because the system of housing there is not very good. We think that the Minister should also convey to the City Council that, in the long run, they must make a plan for this problem to be solved as soon as possible. We would not like to see that place like that all the time since Nairobi is now becoming one of the international cities. One day you will find that the United Nations office will be moved from New York and built in Nairobi. Perhaps, Pumwani will be one of the best places to put that office.

As the Parliamentary Secretary for the Treasury has said, Sir, I would also like to comment on this system of housing. You will find that the rent for the local workers here is too high. We think that the Minister should convey to the City Council that when they put up a new housing scheme in Kariokor, they should not charge such high rents because the workers in Nairobi, particularly, do not earn very much money like the Europeans and Asians who work in the city. The majority of Africans are poorly paid so that if the house in Maringo or Lumumba has a rent of about Sh. 140 a month, excluding water and electricity—if there is electricity at all—a man who earns about Sh. 300 cannot afford to live. He has other commitments, he has to eat for instance. Therefore, the houses in Jericho area are also charged about Sh. 102, excluding water and electricity, so for a man who earns about Sh. 240, or Sh. 150 (most people earn about that) can you imagine how that man is going to live? It is quite difficult. So there should be a review of the rents in Nairobi. A man also has to use a bus to go to duty and to go home, he cannot walk to his office and get there in time, and in the evening he will be tired and he has to get home. So, our workers are really in trouble, and I think the City Council should also do something to reduce the bus rates and if they cannot, then

we should ask the Government to nationalize the bus company on the estates so that we can reduce the fares. It is important for us to see that the workers are not deprived of their rights. The City Council, therefore, has these few points from me and if they are not careful, we shall make them be more careful. I hope that the Minister will convey these few remarks. Thank you.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Chairman, I rise to support this Motion and to stress a few points for the Minister to note. I am of the opinion that the rents for some of these houses the Minister is now asking us to guarantee money for should be reviewed. I also think that the rents for some of the houses, like those at Kaloleni which have been there for a long time, should be reduced to as little as Sh. 15 per person renting them, because I am of the opinion that if a house has been built, and let us say that a block of flats may cost Sh. 14,000, after a certain period, that money has been paid back and then there is no need for the tenants coming after that period to pay the same amount as the first tenants. In fact, some of these tenants pay even more rent than the earlier tenants. I think the rents should be decreased as these houses grow older, particularly if we refer to the houses at Pumwani, which I think were built even before some of us in this House were born. The rents are so high that one wonders why they should be so high.

My next point, Mr. Chairman, is that the Minister mentioned something about a forty-year loan with an interest of 3 per cent. I want to put to the Minister that when considering this, he should also consider other local governments which are very badly in need of money and which would like to have loans guaranteed by this Government. If this guarantee is going to Nairobi City Council, I think that Busia, for example, should not have been asked to put up temporary houses for a start so that after ten years they would be asked to put up permanent houses. I think it should have been the intention of the Minister for Housing to assist in such cases to get a loan guaranteed for forty years as we are now going to guarantee this one, with that percentage, for Busia so that they could erect permanent houses and, in the long run, they would have been paid for in these forty years.

The Chairman (Mr. De Souza): Mr. Osogo, I think you will have to finish the speech on Tuesday. It is now time for the interruption of business and I must leave the Chair and report

[The Chairman] progress to the Speaker and beg leave to sit again on Tuesday.

(The House resumed)

[The Speaker (Mr. Slade) in the Chair]

REPORT

GUARANTEE OF LOAN REPAYMENT: NAIROBI CITY COUNCIL, KARIOKOR HOUSING ESTATE

Mr. De Souza: Mr. Speaker, Sir, at the time for interruption of business the Committee of Supply was still discussing the Motion, Order

No. 11, and I must therefore report progress and beg leave to sit again.

The Speaker (Mr. Slade): The Committee can meet again when the House sits again.

ADJOURNMENT

The Speaker (Mr. Slade): The House is adjourned until Tuesday, 10th March 1964, at 2.30 p.m.

The House rose at thirty minutes past Twelve o'clock.

Tuesday, 10th March 1964

The House met at thirty minutes past Two o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:—

Mohamud Jubat.

COMMUNICATION FROM THE CHAIR

OUTSTANDING QUESTIONS

The Speaker (Mr. Slade): Honourable Members in view of the large number of questions which are now overdue for oral reply, and the many inquiries which I have received concerning them, I wish to inform you of the procedure which will in future be adopted with regard to such questions.

Paragraph (4) of Standing Order 26 provides, in effect, that a question for oral reply shall be placed on the Order Paper for reply not later than ten days after the day upon which it was forwarded to the Minister, or on the day on which the House next meets, whichever is the later. That applies, and was intended to apply, to all questions for oral reply, whether or not Ministers are ready to answer them; the purpose being that, if a Minister is not ready to answer a question within the prescribed period, there should nevertheless be an occasion within that period for him to say so, and to state his reasons for delay.

For various causes, including pressure of work on newly-formed Ministries and infrequent sittings of this House, we have not so far adhered completely to that Standing Order, but have placed on the Order Paper only those questions which Ministers were ready to answer; but now I think the time has come for more strict observance of the rule.

In future, therefore, the Order Paper will contain not only those questions for oral reply which Ministers are ready to answer but also—in a second part of the list—those questions which are overdue for reply, and when the latter are called it will be for each Minister concerned to state why he is not ready to reply.

Order, order, hon. Members usually hear Communications from the Chair in silence.

We cannot do this all at once, because there are now some fifty questions overdue for reply; but I propose to take seventeen of those questions, which have been outstanding since the beginning

of this Session, and place them on the Order Papers for tomorrow and the day after tomorrow.

When the House sits again there may still be too many outstanding questions for all of them to be placed on the Order Paper for the first day, in strict compliance with the Standing Order; but we shall see that all such questions, whether or not replies are ready, are placed on the Order Paper within the first few days.

Thus every hon. Member will receive, as nearly as possible within the prescribed period, either a reply to his question or else an explanation of delay in reply.

PAPER LAID

The following Paper was laid on the Table:—

The Forest General Amendment Rules 1964.

(By the Minister for Natural Resources (Mr. Sagini))

The Speaker (Mr. Slade): Before we have the next Order, I will remind hon. Members that immediately after questions today we have the Division on the Third Reading of a Bill which requires a special majority support, so I would suggest to hon. Members that in order to avoid what happened last Friday, they stay within reach until we have disposed with that Order.

NOTICES OF MOTIONS

Mr. Masinde: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

"FIELD-MARSHAL" OKELLO'S VISIT TO NAIROBI

THAT this House, noting that "Field-Marshal" Okello has again visited Nairobi secretly, urges the Government to set up a Commission of Inquiry to substantiate or dispel allegations that he is planning to overthrow the Government.

AFRICAN PARTICIPATION IN COMMERCE

THAT this House, being aware of the organized opposition from businessmen of other races which hampers development of business by Africans, urges Government to find ways and means which will enable Africans to share or take over the majority of non-African businesses in Kenya within the next two years.

LOAN FUND FOR CHURCHES

Mr. Okwango: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in view of the fact that the churches played an important role in the early development of this country, this House urges the

[Mr. Okwanyo]

Government to consider putting up a Loan Fund for building and developing churches in this country.

MEDICAL FACILITIES: TANA RIVER AND LAMU

Mr. Komora: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT in view of the seriousness of elephantiasis and hernia which affects about 30 per cent of the population in the Tana River and Lamu districts, this House urges Government to promote sound medical facilities for eradicating these illnesses in the said districts.

COMPULSORY MILITARY TRAINING: KENYANS

—Mr. Kamau: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT in view of the great need for defence and security of Kenya this House urges the Government to consider compulsory military training for all men and women between the ages of 18 to 45 years.

Mr. Khalif: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

REPLACEMENT OF BRITISH EXPATRIATES BY AFRICAN CIVIL SERVANTS IN NORTH-EASTERN REGION

THAT this House urges the Government to remove all British Expatriate Officers from the North-Eastern Region and replace them with African Civil Servants.

COMPENSATION: LOSSES, NORTH-EASTERN REGION

THAT, in view of the fact that the citizens in the North-Eastern Region have suffered grave losses, this House urges the Government to pay compensation to all those whose property has been looted by the *Shifita*.

Mr. Ngel: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

DIFFERENCES IN "AFRICANIZATION", "KENYANIZATION" AND "LOCALIZATION"

THAT, in view of the comprehensive provision embodied in Chapter I of the Constitution on the status of Citizenship for people of this country, the House notes the continual differentiation employed in the use of the terms "Africanization", "Kenyanization" and "Localization".

The Speaker (Mr. Slade): Mr. Ngel, the Notice of Motion originally said "deplores". Do you want to alter that?

Mr. Ngel: Yes, I do.

KITUI AND MACHAKOS HIGH SCHOOLS TO BE NATIONAL SCHOOLS

Mr. Ngel: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House notes desirability of Kitui and Machakos High Schools being made National Schools under the exclusive legislative competence of the Central Government.

GRATUITIES: EAST AFRICAN RAILWAYS AND HARBOURS ADMINISTRATION EMPLOYEES

Mr. Warlithi: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House views with great concern the question of the employees of the East African Railways and Harbours who lost their gratuities after completing the period required by the Railways Administration by virtue of the fact that they were arrested or detained during the State of Emergency in Kenya between the years 1951 and 1960.

LAW AND ORDER: NORTH-EASTERN REGION

Mr. Amin: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House notes with gratitude the co-operation given to the Government by the five Elected Members from the North-Eastern Region and calls upon the Government to co-operate with them in finding ways and means of restoring law and order in the region and also calls on the Government to initiate development projects in the region with a view of winning the confidence of the population.

INQUIRIES INTO COST OF REGIONALISM

Mr. Seroney: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in view of the heavy expenses of regionalism which are at present borne by the Central Government, this House urges the Government to institute inquiries to ascertain whether the efficiency of the various Region Assemblies since they were established has been such as to justify the said expense.

ORAL ANSWERS TO QUESTIONS

Mr. Ngel: On a point of order. Under the Kenya Constitution Schedule No. 1, Part I, paragraph 16, subparagraph (e), Machakos Hospital is

[Mr. Ngel]

not a regional hospital but a national hospital. Can I have your ruling on that?

The Speaker (Mr. Slade): It is not a point of order if hon. Members get their facts wrong.

Question No. 12

CLINICAL ASSISTANTS' TRAINING SCHOOL, MACHAKOS

Mr. Ngala-Abok asked the Minister for Health and Housing if—

(a) the Minister could tell the House why a clinical assistants' training school had not been opened in Machakos Regional Hospital;

(b) with the expanding medical services, who would take over the jobs done by hospital assistants whose training was soon to be closed;

(c) why the hospital assistants could not be designated medical assistants or assistant medical officers since they were really assisting the doctors.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply:—

(a) A clinical assistant training school has not been opened in Machakos because it is considered that four such schools in the country are adequate. Even so, it has been difficult to release hospital assistants to these schools for further training to become clinical assistants. Too many schools with too few pupils merely means additional expense and less efficiency. The hon. Member may rest assured that in selecting hospital assistants for the clinical assistants' course every attention has been paid to an equitable regional distribution having regard to the ability of the individuals.

(b) It must be appreciated that hospital assistants undergoing clinical assistants courses will, on completion of their course, return to the hospitals with enhanced knowledge and responsibilities. Additionally, selected graded dressers are undergoing extension courses to qualify them to become hospital assistants. Some 24 graded dressers entered this course in April of last year and, if necessary, a further intake will be arranged. Furthermore, although the previous course for the training of hospital assistants is being abandoned, this is because it was a combined course of

nursing and medicine, and a new course is being contemplated to train medical assistants.

(c) The hon. Member for Homa Bay is rather out of date here, although he was a hospital assistant himself once. We have already redesignated these people from hospital assistants to medical assistants.

Mr. Ngala-Abok: Mr. Speaker, the answer to this question makes me feel that I would have said some extra things, but here are some questions arising.

Mr. Speaker, I have two questions which I will ask one by one. One is connected with (b). Will the junior Minister agree with me that the abolition of the hospital assistants' training and the replacement by assistant nurses' training was a retrograde step?

Mr. Murgor: On a point of order. Is it in order for a questioner to read a statement on supplementary questions?

The Speaker (Mr. Slade): We have no actual Standing Order which prohibits the reading of supplementary questions, as opposed to the reading of speeches in debates.

Mr. Ngala-Abok: Mr. Speaker, I am even more capable of asking without reading. In view of the fact the abolition of the hospital assistants' training and the replacement by the assistant nurses' training, could I ask the Minister whether he is aware that this is a retrograde step because we need more doctors and nurses, or assistant medical officers in the form of medical assistants then we do assistant nurses?

The Speaker (Mr. Slade): No, I am sorry, you cannot make a speech in the guise of a question.

Mr. Ngala-Abok: I am putting it in the form of a question in a shorter way. Could the Minister tell me whether it is not a retrograde step to replace a higher form of training such as the hospital assistants by a training, namely assistant nurses?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, it is a different matter entirely, although I appreciate the concern of the ex-hospital assistant for Machakos. We need more doctors, not hospital assistants.

Mr. Ngala-Abok: Would the junior Minister tell me whether the title "medical assistant" is the same as "assistant medical officer, and, if not the same, what is the difference?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): As a matter of fact, it is not the same. I said in my first answer medical assistants are seeking—the questioner himself asked in (b) why these things have not been effected, and we have effected them. The effect of this really is this. Hospital assistants who qualify and have a certain amount of experience over a period of years come under extension courses. After these extension courses, instead of the old four or five years at King George and elsewhere, they go out with higher responsibilities as medical assistants, and higher skill as clinical assistants.

Mr. Ngala-Abok: Mr. Speaker, Sir, I just wanted a yes or no: if the medical assistant title is the same as assistant medical officer. In other words we shall know the job of these medical assistants. Would he agree that it is the same or it is different, and if it is different how does it differ?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): The hon. Member for Homa Bay is again behind here, because what he took at King George some twenty years ago is very different from the courses now being conducted. We are going higher.

Mr. Ngala-Abok: Mr. Speaker, is it necessary for a junior Minister, or a Minister, or a Member of the House to try and defeat a questioner rather than sincerely answer a question?

The Speaker (Mr. Slade): It is not in order for obviously insincere answers to be given. I am not sure if the hon. Parliamentary Secretary was rightly being accused of such a thing, but I do think that in some of his answers he puts in a great deal of unnecessary and sometimes rather offensive material.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): If I must repeat it again, we are going higher, and the courses which are now being taken are much higher than the courses which were taken many years ago.

Mr. Masinde: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, the question is to get the difference between assistant medical officer and medical assistant.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): You are saying medical assistant or assistant medical officer? If I must repeat it again, Mr. Speaker, Sir—

Mr. Masinde: It is different.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): After a certain period, this is what I said earlier, a few years experience as hospital assistant, the post for which is now already abolished, as medical assistant as the Member for Homa Bay requires. We now call them medical assistants, but there is that difference. It is higher than the ones they took long ago. Furthermore, Mr. Speaker, Sir, the medical assistant's course, which now up-grades to clinical assistant, are for people with some experience in their particular areas. They come up here, they are upgraded and then they become clinical assistants. It is not the same thing.

Mr. Ekitella: Mr. Speaker, Sir, would the Parliamentary Secretary tell the House how many hospital assistants has he got, and how many hospitals for the medical assistants?

The Speaker (Mr. Slade): Order, order. That does not arise out of this question.

Mr. Lorena: Mr. Speaker, would the Minister tell the House the duties attached to a clinical assistant and a hospital assistant or in other words a medical assistant?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, the clinical assistant does clinical duties in hospitals and has terrific responsibilities.

Mr. Mbogoh: Can the Parliamentary Secretary tell the House how many hospital assistants have gone through this pipe-line to the rank of clinical assistant?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): At the moment we have got twenty-eight and in training forty-eight.

The Speaker (Mr. Slade): I think these questions about how many so-and-so, are beyond the scope of this question.

Mr. Gichoya: Arising from one of the junior Minister's replies, whereby we are made to understand that the effort of the Government is to train more doctors and forget hospital assistants, could it be made clear that it is equally true with the hospital assistants who really man the hospitals?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I think, Sir, the hon. Member Mr. Gichoya is completely mistaken. We are not forgetting anybody in the medical service of Kenya. The hospital assistants have done and are doing a very good job. They

[The Parliamentary Secretary for Health and Housing]

themselves wanted the name to be changed to medical assistant. They are taking higher courses at various training centres. Further, Mr. Speaker, Sir, what we are doing is to give them extension courses, even dressers are getting these extension courses; after some experience so that they can take on higher responsibilities within the hospitals where we put them. Unfortunately, we do not even have enough coming from the hospitals to these various training centres.

Mr. Ngala-Abok: On a point of order, Mr. Speaker. Since the reply, according to me, has been based on assumption all the time, I am not satisfied and I would like to raise a Motion on the Adjournment.

The Speaker (Mr. Slade): You will have to give written notice, you know.

Mr. Ngala-Abok: Yes.

Question No. 96

MILITARY RECRUITMENT

Mr. Ngala asked the Minister of State, Prime Minister's Office, whether the Government could give an assurance to this House that recruitment in the Army would not be partywise and that it would be based on the suitability of the applicants regardless of their political party affiliations.

The Minister of State, Prime Minister's Office (Mr. Murumbi): The Government can give the hon. Member the assurance he asked for in this question.

Mr. Ngala: Mr. Speaker, Sir, arising from the reply of the Minister of State we are grateful to note that—

Hon. Members: Speech.

Mr. Ngala: I would like further clarification from the Minister regarding announcements and statements which were made at a public meeting at Mombasa on the 23rd February and quoted in the *Mombasa Times* on the 24th February to the effect that Kanu youth only would be recruited into the Army by the Prime Minister himself, whether this was wrong reporting against the Government policy as declared at the meeting or not?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, this Government is not run on newspaper reports.

The Speaker (Mr. Slade): I must remind hon. Members that one of our Standing Orders prohibits supplementary questions which inquire as to the accuracy of Press reports.

Mr. Bala: Arising from the answer by the Minister of State, will he tell this House whether recruitment to the Army includes non-Africans but citizens of Kenya?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Recruitment to the Army is open to all citizens of Kenya irrespective of race.

Mr. Gatuguta: Mr. Speaker, Sir, can we get an assurance from the Minister that in this recruitment consideration will be given to tribes which have no people in the Army?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, recruitment is not based on any tribal considerations. It is based purely upon necessity and provided that those who apply conform to the requirements of the Army.

The Speaker (Mr. Slade): I must point out to hon. Members that the scope of this question is very narrow. It is asking for assurance that recruitment will not be partywise, and that it will be based on the suitability of applicants regardless of party. We cannot go into all questions of tribe and race and so on here, I do not think.

Mr. Matano: Mr. Speaker, Sir, will the Minister of State tell us what steps the Government has taken to ensure that this is put into action?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, the Army is not a political organization, and the Army does not have any political affiliations. It has certain rules for recruiting people and it abides by them.

Mr. Murgor: Mr. Speaker, Sir, is the Minister aware that in the recruiting this month in the whole Kalenjin area they only recruited about nine people, whereas, in the past, they used to recruit about 300 at a time?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, I do not know what the source of information is but I will make inquiries.

Mr. Gachago: Mr. Speaker, Sir, is the Minister aware that during the colonial rule some tribes were disregarded in the recruitment of the Army?

The Speaker (Mr. Slade): No, Mr. Gachago. I have just said that we cannot go into that.

Mr. Shikuku: Arising from the previous reply by the Minister, will he tell us how he is going to ensure that there will be no political affiliation or political inclination, in this recruitment? How is he going to ensure this does not take place?

The Minister of State, Prime Minister's Office (Mr. Murumbi): I think I have answered that question, Sir. I said that the Army is not carried by political considerations. It has its own form of recruitment, its own necessities which are bound by other regulations and it recruits people accordingly. It does not inquire into the political affiliations of any recruit.

Mr. Bonnett: Mr. Speaker, Sir, in view of the fact that this country is favouring one party, namely Kanu, would the Minister agree that the recruitment in the Army based on Kanu would, in fact, mean the same thing as recruitment based on Kenya citizens?

The Speaker (Mr. Slade): I am sorry, no, Mr. Bonnett. That is, in effect, a speech with a question mark at the end.

Mr. Agar: Mr. Speaker, Sir, in view of the fact that there has been political interference in recruitment centres and also in view of the fact that a statement appeared in the papers as a Government statement on this subject, will the Minister assure the House that for better understanding the Government will always correct the misreporting of Government statements?

The Speaker (Mr. Slade): I am afraid we cannot discuss Press reports at Question Time.

Mr. Oduya: Mr. Speaker, in view of the fact that the Teso people are not in the Army, would he tell this House how many of these Teso he is going to recruit in the Army?

The Minister of State, Prime Minister's Office (Mr. Murumbi): We have from time to time debated in this House the question of tribalism.

The Speaker (Mr. Slade): I could not hear Mr. Oduya's question. I have said we cannot allow that sort of question already.

Mr. Oduya: Mr. Speaker, I was asking assurance from the Minister, since this is very important, how many of my own tribe, the Teso, who are not employed in the Kenya Army today.

Mr. Seroney: In view of the Standing Order which prohibits any reference to Press reports, and in view of the fact that the public are influenced by Press reports unless they are contradicted, what is the remedy for this House?

The Speaker (Mr. Slade): Would you repeat your point, Mr. Seroney, I did not hear it.

Mr. Seroney: I said, Mr. Speaker, that in view of the Standing Order which prohibits any reference to Press reports, and also in view of the fact that the public are influenced by these reports, unless they are contradicted by the Government, what is the remedy in this House?

The Speaker (Mr. Slade): There are many remedies, by Motion or otherwise, but not at Question Time.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, is it not the case that if any Member felt there was a subject which exercised his mind that he could move a private Member's Motion here, and seek whatever information he likes?

The Speaker (Mr. Slade): Of course, or ask the Government outside the House. There are many remedies, but not at Question Time.

Mr. Matano: Mr. Speaker, Sir, I was not satisfied with the Minister of State's reply. My question was, what is the Government doing to remedy the fact that the recruitment of the Army is not on tribal or political lines? What positive steps are they taking?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, the question of tribalism does not come into the hon. Member's question, so I cannot answer the question. However, the army have definite instructions, definite rules, for the recruitment of personnel, who have to abide and conform to army regulations and army requirements.

The Speaker (Mr. Slade): I think we will get no further now with this question.

Question No. 104

LAND REGISTRATION: TANA RIVER

Mr. Komoen asked the Minister for Lands and Settlement whether the Minister intended to introduce land registration in the Tana River District so that the inhabitants might have land title deeds and loan facilities from the Government, banks and private firms?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply. The funds available for land registration are limited and the Ministry of Lands and Settlement, which is responsible for the planning and execution of the land

[The Parliamentary Secretary for Lands and Settlement]

consolidation and registration programme, is unable to undertake the consolidation and registration of holdings and issue of title in all districts where a demand for this service has been expressed. As far as is known, no request has ever been made previously for the introduction of this service in the Tana River District. It is unlikely that land consolidation and registration work can be started in that district for the next year due to the shortage of funds and also to the desirability of awaiting the outcome of the pre-investment irrigation survey of the Lower Tana River before consolidating and registering land holdings in that area. However, as soon as the Ministry receives a formal request for land consolidation and registration from the district concerned, this request will be carefully considered.

NOTICE OF MOTION ON THE ADJOURNMENT

SECURITY AGAINST SHIFTA LAMU

The Speaker (Mr. Slade): I must inform hon. Members that I have received written notice from Mr. Kase of his desire to raise on an adjournment the matter of security against *Shifita* in the neighbourhood of Tana River and Lamu districts. I propose that he should raise that matter at the close of ordinary business tomorrow, Wednesday, 11th March.

I have also to mention that last week various hon. Members stated verbally in this House their desire to raise matters on the Adjournment, connected with questions or otherwise, but Standing Orders require any hon. Member who wishes to do that first to give written notice to the Speaker. I have not yet received written notice from any of those hon. Members and, as a result, I cannot take any further cognizance of their wishes meanwhile.

I think Mr. Murumbi has a statement to make to the House with regard to the Sessional Committee.

MINISTERIAL STATEMENT

APPOINTMENT OF PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to make the following statement for the information of the House.

The Sessional Committee has appointed the two following Select Committees:—

The Public Accounts Committee:

- The Hon. D. T. arap Moi, M.P. (Chairman).
- The Hon. M. Babu, M.P.
- The Hon. C. Kiprotich, M.P.
- The Hon. J. Masinde, M.P.
- The Hon. J. Muruli, M.P.
- The Hon. C. B. Ngala-Abok, M.P.
- The Hon. J. Nyamweya, M.P.
- The Hon. Okutu Bala, M.P.
- The Hon. S. S. ole Olojūpitip, M.P.
- The Hon. S. T. Omar, M.P.
- The Hon. F. B. Tuva, M.P.

Committee on Estimates:

The Minister for Finance and Economic Planning (Chairman).

- The Hon. R. S. Alexander, M.P.
- The Hon. K. N. Gichoya, M.P.
- The Hon. M. Jahazi, M.P.
- The Hon. S. Kamunde, M.P.
- The Hon. P. M. Mbat, M.P.
- The Hon. G. F. Oduya, M.P.
- The Hon. S. T. Omar, M.P.
- The Hon. A. J. Pandya, M.P.
- The Hon. S. K. arap Choge, M.P.
- The Hon. P. A. Araman, M.P.

BILL

Third Reading

THE COMPENSATION AND RETIRING BENEFITS (AMENDMENT) BILL

The Speaker (Mr. Slade): I must remind hon. Members that on Friday we had reached the stage of the Third Reading of this Bill, where the House had approved the Bill, but it had not obtained the support of the requisite majority, because there were not enough hon. Members available to proceed to a Division. All that remains now is for us to proceed to a Division.

DIVISION

The Speaker (Mr. Slade): I must put the question once again for the information of the House.

(The Division Bell was rung)

(The question was put and the House divided)
(The question was carried by 104 votes to nil)

[Mr. Shikuku]

(AYES: Messrs. Achieng-Onoko, Aggar Alexander, Amin, Angaine, Anyieni, Arifan, Arwings-Kodhek, Babu, Bala, Balala, Barasa, Bomett, Bonaya, Chanan Singh, Choge, De Souza, Ekitella, Gachago, Gatuguta, Gichoya, Gichuru, Godana, E. D., Godana, G., Godia, Ithirai, Jahazi, Jubat, Kali, Kamau, Kariuki, G. G., Kariuki, J. M., Kase, Kerich, Khalif, Kiamba, Kibaki, Kibuga, Kiprotich, Komora, Kopchellah, Kubau, Lorema, Maisori-Iumbo, Makokha, Makone, Malinda, Marrian, Matano, Mati, Mbai, Mbegoh, Mboya, Mot, Mongare, Moss, Mulama, Muliro, Dr. Mungai, Messrs. Murgor, Muruli, Murumbi, Mutiso, Mwamzandi, Mwanjumba, Mwatsama, Ndile, Ngala, Ngala-Abok, Ngei, Njeru, Niuri, Nyaga, Nyamweya, Obok, Odoro-Jowi, Odoro-Sar, Odinga, Oduya, Okelo-Odongo, Okwango, Olotupitip, Omar, Omweri, Onamu, Osogo, Otende, Pandya, Rahman, Rurumban, Sadalla, Sagini, Seroney, Shikuku, Soi, Tanui, Theuri, Tipsis, Too, Tuva, Tuwei, Dr. Waiyaki, Messrs. Wamuthenya, Wariithi.)

(The Bill was read a Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate desiring their concurrence)

COMMITTEE OF SUPPLY

(Order for Committee reads)

[The Speaker (Mr. Stade) left the Chair]

IN THE COMMITTEE

[The Chairman (Mr. De Souza) took the Chair]

GUARANTEE OF LOAN REPAYMENT: NAIROBI CITY COUNCIL, KARIOKOR HOUSING ESTATE

THAT this House approves that the Government should guarantee the repayment to the Commonwealth Development Corporation of a loan of £125,000 to the City Council of Nairobi to be used for the redevelopment of Kariokor Housing Estate.

(Minister for Health and Housing on 6.3.64)

(Resumption of Debate interrupted on 6th March, 1964)

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Chairman, Sir, at the time when the House adjourned, I was stressing to the Minister for Health and Housing, the need for guaranteeing such loans to other local governments such as Busia and the Port Victoria housing schemes. I do not want to waste too much time of the House on this Motion, Mr. Chairman, by repeating what other hon. Members said last week, but what I want to stress

to the Minister is, before he signs the guarantee for this loan, he should make it very clear to the City Council authorities that before these tenants move into this housing estate, a lighting system should be installed on the estate first. This is because the lack of lighting in estates, particularly African estates, encourages a lot of crime such as stealing and so on. Sir, in saying this, of course, people will remember that I was a victim of such an incident when all the wheels of my car were removed in an estate where there was no lighting. I would like to stress this need, Mr. Chairman, so that the Minister will bear this in mind when guaranteeing this loan to the City Council.

Lastly, Mr. Chairman, I would like to put it to the Minister that this meaningless name of Kariokor must be changed. I would like it to be renamed Kariuki Housing Estate in honour of my friend, G. G. Kariuki, Member for Laikipia-Nanyuki.

Mr. Matano: Mr. Chairman, Sir, I beg to support this Motion because the development of housing is very important. If a person is without a good house and a place to live, we shall not get a good citizen. I feel that the City Council of Nairobi should have this loan to enable them to build this housing estate. But the thing that I object to is for the housing estate to be provided with bed spaces, as in the past, there were some estates which were so provided and people were only considering the bed spaces of families which were living in them. I think it is time people began to think of dwelling places, places where the worker is comfortable, not a place where he will sleep but a place where he will live a full life, where a family will live a reasonable life, where the children and the parents will not be separated and where they will be able to invite strangers and friends and feel comfortable. In doing this then, we shall be able to create a family life, because the unity of any nation is the family and if we neglect the family, we neglect the whole nation. It is very important that the family should be provided with adequate space within which to live.

Therefore, Sir, I feel the City Council of Nairobi should be given this loan to enable them to build this estate, taking into consideration all the drawbacks of the early plans. In the past, I think we were thinking too much of the money and expenses involved. Therefore, not enough money or consideration was given to the family or their comfort. Now we are a nation and we should be proud of it, and if we are proud of it we must realize that in order to build a nation we must first build a family. A family is the unit of any nation. Therefore, Sir, I feel when

[Mr. Matano]

this loan is given out, consideration should be given for better planning, as people these days are able to earn more and because they are able to earn more, they are able to buy cars and therefore facilities for these other things should be put right.

I do not want to repeat myself, but it is very important to emphasize that lighting is very important: without proper lighting it is useless to have an estate which is dark, we are no longer living in the dark ages. We are living in an age where there is light, and light in all territories not only light in our heads, but light in our homes, where the children, when they come home, can relax after their dinner, and read in good light. Therefore I feel that it is very important when planning for these extras that lighting should not be ignored.

Mr. Chairman, Sir, I feel that another point which should not be ignored is the structure of the building. For instance, when I go back to the Coast and see the start of the Mariakani Housing Estate. It was a wonderful achievement when the buildings were put up, and everybody was very interested and they thought we had achieved something. After a month or so all these buildings were leaking, they started cracking.

The Minister for Health and Housing (Dr. Mungai): That is at the Coast.

Mr. Matano: That is at the Coast as the Minister says, but it's the same contractors who take these jobs, and therefore the same goes on up here in Nairobi, and what I am trying to say is—let us not make the same mistakes again. If we are here to spend public money and if this House should be asked to give a guarantee for this money, we must be assured that this money is going to be guaranteed. Someone has just asked if I was not a Member of that Legislative Council. He knows very well, that I was not a Member, and I was not responsible for it, but this time I am responsible for it, and I want to put it in front of the House, that if we are going to guarantee any money, it is very important that the structure of these buildings should not only look permanent but should be permanent, because it is no use for them to look permanent on the surface, and then when these people go in they find that they have no comfort at all. The windows are badly placed and they leak. When I talk about windows being placed—I went to one of these houses in Changamwe, and I found that the doors—the Coast as most people know is a hot area—and the windows were put very high, and when you feel hot and you want to get some

air to freshen you a bit, you find you just cannot, and you are boiling hot. That should be avoided if we mean to build comfortable houses where families can live happily and comfortably.

Mr. Chairman, Sir, I feel that if this House be asked to guarantee any loan for housing, then our people must be guaranteed to live in comfortable houses.

The Parliamentary Secretary for Health and Housing (Mr. Arwings-Kodhek): Come and look at our plans.

Mr. Matano: One point which I want to make, Sir, is that it is all right about these houses whereby people will pay rent to live in them, but how long will the Africans in this country go on paying rent month after month, year after year, without owning anything? It is time that the Government begins to think of hire-purchase arrangements, where the tenant will live there and buy the house as the years go on. When one begins to calculate the amount of money people pay for these houses which they are renting, one finds that they would have been able to buy the building, because they go on paying rent year after year, and they have children and grandchildren in the houses, without owning those houses, I feel this is very unfair, and it is time that this Government began to think of the African. To own buildings, not only in the countryside, but to own buildings in town.

Mr. Chairman, I was very disappointed the other day, when I was in Mombasa, because a friend of mine from Nigeria came to Kenya. When he came he asked me who owned this building here. I was ashamed to tell him that of all the buildings that are here, they are not owned by the Africans, they are either owned by the Municipal Council or the Arabs, Europeans or Asians, but the Africans do not own any buildings. Mr. Chairman, how can we have that in this country? Can we claim to be free when we cannot own one permanent building in this town? It is very important if the Government is requesting this House to guarantee a loan to build an African Housing Estate. A beginning should be made whereby the African will be able to own at least a few buildings, where they can go out and claim to say that this is my own house. At the moment no African, even here in Nairobi, owns any houses or permanent buildings. Can we really claim to be free? We are not free, we are merely free politically, but we are not free economically. The business cannot flourish if you have not got a home where you can sit and bring up your family. Mr. Chairman, I support this Bill, I support this guarantee, and I

[Mr. Matano] am sure the Opposition will give all the encouragement and support. But it is very important that if Kenya is going to be a nation, then it should be respected by everybody in this world; we must be people who own things, not people who simply rent things. At the moment we are renters. It is a shame, when anybody coming from any African State to Kenya—I do not know about other East African countries—but in Kenya we are simply people who are renting, renting. I have been renting a house in Mombasa for the last seven years, and I am ashamed of it. It is time this Government began to show a sense of direction. We do not want to endorse this loan only to give money to the Municipal Council, and City Councils, which are bodies which are undefined. Of course they are undefined. After signing this and giving authority to the Regional Authorities and the City Council to get this money, what is the ordinary man going to gain out of it? Absolutely nothing. This is very important. Mr. Chairman, I want to support this Motion, but I want to tell the Government that it is time they changed their policy to make the African a respectable man, a man who can bring up his family in good surroundings whereby he will not be ashamed of himself, and will be encouraged in bringing up a good family in good surroundings, and thus we will be bringing up a good nation which Kenya deserves.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): On a point of order, in view of the fact that we had a long discussion last week, I beg to move that the Mover be called upon to reply.

The Chairman (Mr. De Souza): I think we have had sufficient debate on this Motion for me to put it to the House, but, of course, it is for the House to decide.

(The question was put and carried)

The Minister for Health and Housing (Dr. Mungai): Mr. Chairman, Sir, let me say that I am extremely happy with the hon. Members, each of whom have stood up to support the Motion. They have been sensible on both sides, the Government and the Opposition. The last speaker made very good and sensible remarks, and I would like to assure him that we are very much concerned about the family unit, and this is why these buildings are built for this purpose, so that we have a family living in comfort who will realize the change of Government between the Colonial Government and the newly-elected African Government.

The other point is that, having such family units, is going to reduce the disease we have in several places in Kenya, because when they have many single rooms they do not take care of their families and bring their wife and children in, and disease cannot be avoided. You will remember that it was the intention of this Government to do away with just bed-space accommodation and, by improving the families' accommodation, is one of the ways of getting rid of these bed spaces permanently.

Sir, I am going to continue because so many points have been raised which I feel should be answered on this Motion. There was a trend of getting away from Kariokor and because so many points came up I would like to bring them forward. When this Government came into power, we immediately saw that there was the need for a long-term planning of housing throughout Kenya, in the towns and villages. There has been an increase in emigration of population from the countryside, villages and farms to the cities. As such, we have to remember that we have to have them. There has been shifting of people from the villages to the new settlement schemes throughout Kenya, and we have to take that into consideration. We would like them to have good housing, but, at the same time, we must remember that there was villagization in Kenya during the State of Emergency, followed by land consolidation and, because of the change in the times, we could not remain as we were. We want to advance, have new planning and have the African mind put to work and plan housing for Africans. This is exactly what we intend to do, and we are doing it. Realizing this we have invited experts from the United Nations to help to carry out this problem and then to advise us, so that we can continue with good housing plans in the cities and smaller towns and in the country. As a result, the United Nations sent a Dr. Bloemberg and Mr. Burgess who have been to Kenya and have studied with my Ministry the housing problem—

Mr. Matano: Have they been to Mombasa?

The Minister for Health and Housing (Dr. Mungai): Yes, they have been there. They have studied the housing problem of Kenya and they have submitted a report which we are studying, and they are coming back in September so that we can finalize the type of housing that is going to follow throughout the country. I must mention though that, however good our intentions are of building good housing for families and individuals throughout the country, there is a gap that exists between the need for adequate housing and available finance, and we cannot forget this and must

[The Minister for Health and Housing] try to overcome it. The Motion was on finances for Kariokor Scheme, but in his speech last time the Member for Shauri Moyo—I beg your pardon, Doonholm Road, but the way the hon. Member for Doonholm Road spoke last time one would have thought that he was the Member for Shauri Moyo. I am sorry for making the mistake. However, he raised several points that are very important and I would like to point out that while we are waiting for our full-blown programme of housing, we cannot just sit still but must do something, and as such we started by slum clearance in the areas that needed it the most. The first was, of course, Kariokor and, as the name itself indicates, it is a place where men and birds live together side by side. This had to be demolished and given priority because of those reasons, and because it was not well laid they did not have electricity in the houses or the streets, the sanitation was poor and the buildings were dilapidated and overcrowded and, as such, they had to have priority in this clearance of the slums. I would like to assure the Member from Kwale East that the buildings we are going to put up now are going to be three-roomed houses for habitation of families, and they are going to be proud of them. We are going to encourage families to live there and be happy and enjoy the comforts of this new independent Government. Several people have mentioned tenant-purchase schemes as the point was raised here. In our plans or in the plans of the City Council, they are starting to build some houses in the Bahati area which are going to be designed for occupation by families on tenant-purchase so, in the future, they will be able to say that they own that particular house. This is in our plan which will be started fairly soon in Bahati. It has already been done by certain other county councils such as Thika, Kiambu and others. Then the City Council has a programme for clearing slums in Pumwani. This is going to be very expensive, and it cannot be done immediately because it requires well over £700,000 to put up good buildings that are going to be permanent, well laid and everything else. The city is looking for funds so that they can clear this place and it can become one of the good areas in the city. I must point out something that was brought up last time by the Member for Doonholm Road, about Shauri Moyo not having enough water points, lavatories and sanitation. A lot of money has been put aside during this year to improve the sanitation and water supplies at Shauri Moyo and other places like Ziwani, Bondeni, Mbotele and Ofafa. This is going to cost the city well over £300,000, but the City Council of

Nairobi is not afraid and they are determined to use money to improve the African areas so that they can live comfortably.

I must now mention that, in the months just before Independence, many people migrated to Nairobi, and you will remember that around the Machakos bus stand, and all over Nairobi, small shacks sprang up overnight. These were of temporary material of sacks and they were all over the place, on public property, private property, the city centre and everywhere else. The Central Government and the City Council were very worried because these people were living in very insanitary conditions and under the danger of fire hazards. You can imagine what could have happened around the Machakos bus stand if there was an outbreak of typhoid. Everybody would catch it, and then there would be a problem clearing it. The Central Government, with the City Council, had to take steps to make sure that those people were housed somewhere decently, where there is sanitation. In a place called Kariobangi they have started a site and have surveyed a scheme where—

Mr. Ngala: Where they have *Bhang*?

The Minister for Health and Housing (Dr. Mungai): No, they do not have *Bhang* at all, they just have housing. They have laid down the sanitation, roads and water, and people can come and build in certain areas, on a plot of about a quarter of an acre or half an acre. They can put up whole buildings of good material, healthy, hygienic houses. This is because we realize that you could not let these people put up their buildings anywhere, crowded and without pattern, and in these areas they plan to have some open markets, shopping centres and nursery schools so that the people from Kariobangi do not have to go all the way to the city centre to buy a bottle of milk or some sugar. They will be provided with food where they live and they will only have to go to the town for work. It has to be known that not all of them are working here. Some of them are working in the Industrial Area which is not in the city centre and it is easy for them to go across. This has been started and it is being very successful.

For the other phases for this place, for the higher income group, several houses have been built in Ofafa. I admit that the houses in Ofafa Maringo were constructed at the time when the City Council was not truly African elected, the same as this House, although there may have been Members of the Opposition who crossed over to the wrong side of the Government. Then we have Ofafa Jerusalem with 500 units, and no

[The Minister for Health and Housing] doubt you remember that the Prime Minister opened phase III of Ofafa Jericho and found very good buildings with public facilities, such as a community centre, day nurseries, neighbourhood clinic, family health centres and shopping centres so that the area is well planned and has not just come up in a haphazard manner. The streets are well laid so that we do not have traffic accidents, and there is lighting both inside and outside, indoor sanitation, with different facilities for bathrooms. I would say that the City Council has done very well in this way for housing for Africans.

There are many people who raised the point that we are concentrating only on the City of Nairobi and forgetting their areas. This is not correct. As you can see from the figures, Nairobi has had about £1,500,000 to develop the housing estates in the city; the Coast has had over £700,000 to develop (although I do agree with the Member for Kwale East that Mariakani Housing Estate was not very well planned and probably there was something wrong with the buildings, but the City Council with its engineers should not repeat that mistake and we shall advise them in the future, as the new Government, not to repeat that kind of mistake); the Eastern Region has had about £36,000, Central Region, £400,000, Rift Valley has had over £900,000, Nyanza Region, £270,000; Western Region, over £56,000, and I must let you know that the Central Government does not just give these funds free. The County Council in the area, or the Municipal Council, apply for a loan and we give them a loan. I would encourage you hon. Members, when you go home to your constituencies to encourage your people to ask for loans and arrange these for them so that they can share in the building of a sanitary, healthy nation of Kenya.

Finally, Sir, I would like to mention the point of having African contractors for the building of these African housing estates. I was very impressed with the person who pointed out that we get this money as a loan from England and then give the contracts to the English businesses to become contractors, and then the money finds its way back to England again and we have paid interest on it. I do agree that we should encourage the County Councils, City Councils and Municipalities to employ, as much as possible, African contractors and workers so that their building skills will improve, more people will be employed locally, and they will have a chance to grow and become estate contractors and big firms like the expatriate firms that we have in Kenya.

In conclusion, Sir, I would like to remind hon. Members, such as the hon. Member for Doonholm Road, that not even Rome was built in one day and although the City Council of Nairobi is trying to build a beautiful city in one day, it is still going to take time. I would say that the intelligent, dynamic and go-ahead Mayor of Nairobi with his enlightened, African elected Council of only a few months, are doing extremely well. If one goes around Nairobi and compares it with many other African capitals, one is not ashamed of Nairobi. I think it is very beautiful and good-looking and well planned and it is well built. It is also sanitary and the Public Health Department of the City Council has to be congratulated for keeping Nairobi sanitary and free of infectious diseases. You will probably remember that we have not had an outbreak for a long time. They have to be congratulated for that. We must also congratulate them for their intelligent, dynamic and go-ahead Mayor. They have many difficulties; it is a new Council and they are doing extremely well in initiating these programmes. I would like to thank all the Members who have supported this Motion for it is a very worthwhile Motion and before very long we will be coming up with a new building programme. We have taken seriously into consideration those suggestions that have been made.

Sir, I beg to move.

(The question was put and carried)

The Minister for Health and Housing (Dr. Munga): Mr. Chairman, I beg to move that the Committee do report to the House its consideration and approval of the Resolution.

(The question was put and carried)

(The House resumed)

[The Speaker (Mr. Slade) in the Chair]

REPORT

GUARANTEE OF LOAN REPAYMENT: NAIROBI CITY COUNCIL, KARIKOR HOUSING ESTATE

Mr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the Whole House to report its consideration and approval of the following Resolution without amendment:—

THAT this House approves that the Government should guarantee the repayment to the Commonwealth Development Corporation of a loan of £125,000 to the City Council of Nairobi to be used for the redevelopment of Karikor Housing Estate.

The Minister for Health and Housing (Dr. Munga): Mr. Speaker, Sir, I beg to move that this House do agree with the Committee in the said Resolution.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

(The question was put and carried)

BILL

(Consideration of Report)

THE HOSPITAL TREATMENT RELIEF (ASIAN AND ARAB) (AMENDMENT) BILL

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, on Wednesday this Bill was considered in the Committee, and I now move that the House do agree with the Committee in the said Report.

The Minister for Health and Housing (Dr. Munga) seconded.

(Question proposed)

The Minister for Health and Housing (Dr. Munga): Mr. Speaker, Sir, I beg to move an amendment in the following terms: that there be added to the Motion the words:

subject to the Bill being committed to a Committee of the whole House so that it can consider further amendments with reference to clause 4 (b) (c), clause 4 (c) (d) and clause 7 section 13A as indicated in today's Order Paper.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question of the amendment proposed)

(The question that the words proposed to be added be added put and carried)

(Question of the Motion as amended proposed)

(The question of the Motion as amended was put and carried)

Resolved accordingly:

THAT the House do agree with the Committee of the whole House in the said Report subject to the Bill being recommitted to a Committee of the whole House to consider further amendments to clause 4 and an amendment to clause 7.

(The Bill was recommitted to a Committee of the whole House today)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The Chairman (Mr. De Souza) took the Chair]

THE HOSPITAL TREATMENT RELIEF (ASIAN AND ARAB) (AMENDMENT) BILL

Clause 4

The Minister for Health and Housing (Dr. Munga): Mr. Chairman, Sir, I beg to move the deletion of clause 4 (b) (c) and insertion in place thereof of the following new subclause:—

Six persons from amongst the Compulsory Contributors appointed by the Minister after consultation as he may think fit.

The reason for amending this, Sir, is that, by an error made in printing, we had "other contributors" instead of "Compulsory Contributors".

Mr. Chairman, Sir, I beg to move the deletion in clause 4 (c) (d) of the words "a person" and inserting in place thereof of the words "two persons". Sir, we do feel that representation of voluntary contributors was not sufficient and we would like to increase the number to two. That is the amendment in clause 4.

(Question of the amendments proposed)

(The question that the words to be left out be left out was put and carried)

(The question that the words to be inserted in place thereof be inserted was put and carried)

(Clause 4 as amended agreed to)

Clause 7

The Minister for Health and Housing (Dr. Munga): Mr. Chairman, Sir, I beg to move that clause 7 be amended by inserting in subclause 3 (a) (i) of the new section 13A, immediately after the word "payable" the words:

except in respect of accidents following the date of the first payment subject to the provisions of section 23 of the principal Act.

This will bring this insurance scheme in line with every other insurance scheme.

(Question of the amendment proposed)

(The question that the words proposed to be inserted be inserted was put and carried)

(Clause 7 as amended agreed to)

The Minister for Health and Housing (Dr. Munga): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Hospital Treatment Relief (Asian

[The Minister for Health and Housing and Arab] (Amendment) Bill and its approval of the same with amendments and also that the Committee approved further amendments to clauses 4 and 7.

(Question proposed)

(The question was put and carried)

(The House resumed)

[The Speaker (Mr. Slade) in the Chair]

REPORT

THE HOSPITAL TREATMENT RELIEF (ASIAN AND ARAB) (AMENDMENT) BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Hospital Treatment Relief (Asian and Arab) (Amendment) Bill and its approval of the same with amendment and, on recommendation, its approval of clauses 4 and 7 as amended.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

The Speaker (Mr. Slade) Unless there is any special reason we will consider the report tomorrow.

(Consideration of Report ordered for tomorrow)

MOTION

PUBLIC ACCOUNTS COMMITTEE REPORT

Mr. arap Moi: Mr. Speaker, Sir, it is my duty, as Chairman of the Public Accounts Committee that was nominated by the Sessional Committee of June last year, to move the following Motion:

THAT this House notes the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year ended 30th June 1962.

Although, Mr. Speaker, the Report was only laid on the Table on Tuesday, a fortnight ago. It was, I understand, distributed to hon. Members some seven weeks ago. Hon. Members, I am sure, appreciate the importance of this Report. It is the main object of the Committee to see whether expenditure has remained as voted, and has been used only for the purpose specified. The Committee is, in fact, an important instrument for maintaining the efficient running of the accounting branches of all Ministries and, ensures that they exercise due economy and a high standard of public morality in all financial matters.

Mr. Speaker, the Report deals with some 35 points raised by the Committee from their examination of the Report of the Controller and Auditor-General on the Kenya Accounts for the year ended 30th June, 1962 and on the Treasury Memorandum on the Public Accounts Committee's Report for the previous year which is included in this blue book as an appendix.

Since I have no doubt that hon. Members have given this Report the careful consideration it deserves, I do not intend to embark on a recapitulation of the Committee's recommendations but will leave my colleagues to raise the matters they feel ought to be emphasized in this Debate.

I am happy to state that, in scrutinizing the work of the Permanent Secretaries and the Accounting Officers of the various Ministries, I can tell the House that, by and large, they stood up well to the inquisition.

I would like, Sir, to thank the Government benches for allowing Government time to be taken up for this Motion.

I should also like to thank the Members who formed the Committee. I would also like to place on record that every Committee meeting was well and punctually attended—an improvement on meetings in the past. This shows the conscientiousness with which Members have executed their duties in this vital field of parliamentary life.

Finally, Sir, I feel it is only proper for me to record the first measure of appreciation for the work done by the Controller and Auditor-General, Mr. Hodges, and his staff, who, as independent of the Government, Opposition and all Ministries, are able to bring up freely points worthy of investigation.

Mr. Speaker, Sir, I beg to move.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya) seconded.

(Question proposed)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, it gives me pleasure to pay tribute to the very useful work done by the Public Accounts Committee, and to express my thanks for the conscientious manner in which the Chairman and members devoted themselves to this task. They continue to maintain the high standards set by their predecessors, since the Committee came into existence and first met in 1949. This Committee has a most useful and necessary function to perform in ensuring that the taxpayer's money is spent in accordance with the wishes of the House, and of seeing that Ministries and departments are encouraged to eliminate waste and to operate efficiently.

[The Minister for Finance and Economic Planning]

I can assure the House that the observations and recommendations of the Committee are considered most carefully by the Treasury and by Accounting Officers. From time to time, imperfections in financial control and in Government's accounting system come to light and we, in the Treasury, together with the Accounting Officers in the Ministries concerned, are only too anxious to ensure that matters are put right as quickly as possible, and that these imperfections do not recur.

One of our big difficulties in the past has been that there has been difficulty in obtaining adequately qualified staff, and this problem is now becoming even more acute as experienced staff leave the service. The Government is fully alive to this problem and is pressing ahead with schemes for the training of accounting and allied staff. The Government's accounting system has had to cope with some increasingly complex problems within the last few years as the result of requirements enforced on it following the receipt of various forms of financial systems from overseas. There are now many accounts, statements and returns which have to be prepared to satisfy those bodies who provide us with financial aid. Then again, in the past year, the need to set up Regional Governments, with the appropriate accounting organizations, has been a major task but, with the exercise of good will on all sides, the transition has passed off smoothly. There will, undoubtedly, be further teething trouble, but, again, the spirit of *Harambee* should see us through.

We are still concerned, wherever possible, to simplify procedures and I can assure the House that, as such reorganizations become necessary, they will be examined and implemented with care within the limits of the staff available, we shall endeavour to ensure, as far as is possible, that high standards, which the taxpayers have a right to expect, are maintained.

With these few remarks, Mr. Speaker, I beg to support

The Speaker (Mr. Slade): If no other Member wishes to speak, I will call on the Mover to reply.

Mr. arap Moi: Mr. Speaker, Sir, I thank the hon. Minister for Finance for supporting the Report on the Public Accounts Committee. Since there is no criticism from any Member, it seems to me that my Committee have done their work well. I would add that the task, as the Minister has said, which lies ahead of us is a very difficult one in that we have young men and women who have taken over positions which will entail a

considerable amount of responsibility; they may not be financial wizards but laymen who are beginning to learn accounting systems which at times prove complicated and who have to work very hard to reach a standard of efficiency.

I thank the House in supporting this Motion and I hope that in future, Members of this Committee will make themselves available whenever there are meetings as they did during the last meeting of the Public Accounts Committee. This showed that Members were very keen to know what was happening in all the fields of accounting carried out by the Ministries concerned.

Mr. Speaker, Sir, I beg to move.

(The question was put and carried)

BILLS

Second Readings

THE KENYA MILITARY FORCES (AMENDMENT) BILL

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Mr. Speaker, Sir, I beg to move that The Kenya Military Forces (Amendment) Bill be now read a Second Time.

Sir, this Bill makes one or two amendments to the existing law to remedy certain deficiencies which have been found.

Clause 2 of the Bill amends section 77 (2). Section 77 refers to general courts martial. The composition of such a court martial requires that a member must have been an "officer" for not less than three years. This qualification is to remain, but it is intended to provide an additional qualification and that is, a member can be an officer of the rank of captain or of a higher rank.

Clause 3 makes a similar amendment with regard to district court martial. There, a member must be an officer of two years' standing. It is intended to retain that qualification for membership, but, in addition, it is intended to provide that a member can be an officer of the rank of a captain or of a higher rank. The word "officer" in military law means a commissioned officer. A commissioned officer is an officer of the rank of second lieutenant or of a higher rank. There is no danger of doing injustice to anyone, by introducing into the court martial officers of inadequate experience. The position is that the present officers of local origin have been under a disadvantage in the matter of promotions which have come to them only recently, but all the officers who are eligible for appointment to a court martial are officers of long experience and mature judgement. They know military life and military law.

[The Parliamentary Secretary to the Prime Minister's Office]

There is another amendment, that is to section 189, made by clause 4. This amendment, in fact, has already been made by the Prime Minister under the powers given to him by the Preservation of the Public Security Act. The amendment was published in Legal Notice No. 53 of 4th February 1964. It is now intended to incorporate that amendment in the substantive law of the country. Now, Sir, the effect of the amendment is this: at the present time, if a member of the armed forces is accused of an offence and is to be tried by a court martial, then the Commanding Officer has the power to send him to prison or police custody for a period not exceeding seven days. It is felt that it may be necessary sometimes to send him for detention to the civil authorities for a longer period. The amendment seeks to increase the period of such detention to fifteen days at a time, but there is provision made in the amendment that such detention can be ordered only by a magistrate. Instead of the Commanding Officer himself sending an accused person to detention, an application will be made to a civil magistrate who will consider the application and order the man into custody for a reasonable time, not exceeding fifteen days at any one time.

There is also a consequential amendment, and that is that the magistrates are given power to order the return of such an accused person to military custody.

This, in brief, is the effect of the amendment which it is sought to be made law.

The Parliamentary Secretary to the Treasury (Mr. Kibaki) seconded.

(Question proposed)

(The question was put and carried)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Second Reading

THE CUSTOMS TARIFF (AMENDMENT) BILL

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that the Customs Tariff (Amendment) Bill be now read a Second Time.

The main changes which are to be made in the Customs Tariff Schedule under this Bill are aimed at giving a substantial measure of protection to industries established in East Africa. Under Tariff Item 58, a new subitem (n) is to be introduced to impose a duty on imported mild steel bars and

rods to protect the local industry, that is, the Steel Corporation of Uganda.

Tariff Item 58 (a), which is also concerned with the metal industry, is to give protection to the users of sheet metal in the processing of galvanized and corrugated iron and allied trades. Since the Bill was introduced, however, representations have been made to the Government that the protective measures were too wide in their effect and would be harmful to other branches of the metal industry. It is therefore proposed, Mr. Speaker, Sir, to introduce at the Committee stage certain amendments to obviate the danger. The duty on mild steel bars and rods, which are used for concrete reinforcing, is to be raised to the level of 17½ per cent, since the Uganda Government considers that a higher rate than the 12½ per cent which is mentioned now in the Draft Bill and is necessary in order to protect their infant industry—that is the Steel Corporation of Uganda. At that stage, also, it is proposed to introduce suspended duties to protect other items not at present being produced in East Africa, but which are scheduled for production in the very near future.

Further protection to local industries is given under Tariff Item 42, where a 12½ per cent duty is to be imposed on knotted silk fishing nets and this is to support a local company now being established for the manufacture of this kind of fishing net and which can supply a substantial proportion of the East African demand. Tariff Item 65, which excludes earth pans, or *karais* as they are called in East Africa, from duty free importation will give protection to local industries which are now capable of supplying all the demands of East Africa. The tariff protection on these lines should assist local industries to capture a greater share of the local market with the resulting benefit to unemployment and, in these days of unemployment, no argument need be added to justify any line of development which will encourage further employment. Other measures covered by the Bill are designed, Mr. Speaker, to remove anomalies. Tariff Item 40 concerns tracing cloth or tracing linen used in drawing offices, which for technical reasons, was being treated for assessment as a fabric, on which there is a high revenue producing duty. The Bill now seeks to adjust this anomaly, and to have the duty on tracing linen reduced in line with that on other drawing office materials. Similarly, Mr. Speaker, cellophane, and other types of film, which are used as packing materials for the country's agricultural products, such as bacon, meat, etc., have, by the wording of the Tariff Schedule, been subject to a duty under Tariff

[The Parliamentary Secretary to the Treasury] Item 165, which was specifically imposed to give a measure of protection to the local plastic industry. Under the Bill, this anomaly will now be removed as it was never intended to make it more expensive for our producers to get the packing materials which they require.

The only point I want to add here, Mr. Speaker, is that, where we help them to get packing material more cheaply, we also hope that the use of these better, cheaper, cleaner packing materials will spread and will be used by all food processors and other people who sell foodstuffs, because these days when you buy your meat or chicken or any food from local groceries, it is always served on very dirty newspapers, and we hope that they will now see fit to improve the standard of their counters.

As a result of the Constitutional changes which have taken place in the last year, particularly in Kenya and the rest of East Africa, Tariff Item 160 has become out of date and the opportunity has now been taken in presenting this Bill to redraft that particular item in order to remove the various anomalies which exist. These measures are very much in line with the policy which has been adopted by the East African Governments to encourage, in our development, the production locally, of as many goods as possible which, hitherto, we have imported from overseas. This has a threefold purpose—(1) to encourage employment locally, (2) to make sure there is a saving on the Foreign Exchange reserves and (3) to make sure that a fuller and better use is made of the local materials that we have in this country. This we regard as a very sensible policy and, indeed, it is now adopted by all three East African mainland territories as a fundamental policy in executing development plans which they have either announced or are in the process of preparing.

I would like, however, before I sit down, Mr. Speaker, to stress that this *ad hoc* basis on which co-ordination is now achieved between East African development planners, is likely to be very strained in the near future unless we move fast enough to create better machinery for the co-ordination of our development plans. I refer here to the fact, which the hon. Members all know, that Uganda, Tanganyika and Kenya have each prepared a Development Plan. They will be trying to carry out these development plans. The plans have largely been prepared separately and, when we come to carry them out, there is bound to be a strain unless we can be assured that greater co-ordination of planning is effected.

I have in mind here, the fact which all hon. Members here know, that we in East Africa have a Common Market. We have a common policy on fiscal matters, on monetary matters, on taxation policy, on transport problems, on customs and tariffs, in fact, on all these matters. These are very fundamental issues, because these are the weapons which are used in carrying out the economic policy. These weapons have to be used on an East African basis, yet the development plans have been prepared separately. If I might emphasize, for the benefit of the hon. Members, to what I am referring when I speak of weapons that are normally used for the smooth carrying out and implementation of economic development, I am referring here first, to the whole question of the level and structure of business taxation. This, everybody knows, is regularly used in any policy of industrialization. The level and structure of business taxation is an East African matter. It has to be agreed at the East African level. It has to be reasonably uniform, yet the plans themselves are now in the process of being prepared independently. You can see there, Mr. Speaker, how we are opening up areas for difficulties and conflicts. Another weapon used for economic development is the question of the scope and the rates of customs and excise duties. Everybody knows, as, in fact, this Bill testifies, that customs and tariffs are used as a weapon for protecting local industries which we seek to establish in East Africa. The question of customs and tariffs is an East African issue, yet the designing of the industries which are to be set up in each of the three East African countries, is being done separately. Again, this is a line of action fraught with a lot of danger and a lot of strain. I refer to a third weapon again used in executing economic development. This is the whole question of the monetary and credit policies. Everybody knows that you influence the man, and therefore the level of economic activity, by influencing your approved monetary and fiscal policies or credit policies.

It is true that we have an East African Currency Board but, even though they are doing a splendid job—a wonderful job in the circumstances—they have now come to a point where they are bound to be very strained because, however much they want to do it, the East African Currency Board will find it impossible to do the job which is normally done by a Central Bank, the job of advising the Government on monetary and fiscal policies, the job of helping the Government to run its international operations smoothly, the whole question of exchange problems, the whole question of foreign reserves, the co-ordination of foreign earnings. Now, all these aspects, which

[The Parliamentary Secretary to the Treasury] are absolutely central to any execution of our development, will be very strained in so far as we remain merely with a Currency Board and do not evolve the one step that remains to be taken to secure a Central Bank for East Africa.

I refer again to another aspect of our East African problem. We know that in East Africa we have common communication problems—the airways, the harbours, the railroad communications, all these are operated as an East African service. In carrying out your development programme, for instance, when you decide what the amount of increased production of agricultural produce will be, you make an assumption that there will be the communication services available to transport your produce to the harbours, to the coast, to the market centres where it must go. If your transport policy is decided on an East African basis, yet in planning your production, in planning your distribution of that production you do independently of each other, then you can see again, Mr. Speaker, how the East African Common Services are again bound to be strained by the fact of our planning separately when the instruments that are to be used to execute that plan or those plans are bound to be common. What I am pleading for in ending my speech here, is that the time has now come, in fact we have been led to it by the very logic of our wanting to plan, our wanting to move fast, our wanting a more rapid development in East Africa, that logic has led us to a realization now that it is absolutely urgent and imperative that the three Government of East Africa—the four Government now—must quickly resolve this whole question of how the development plans of the three countries are to be harmonized and how we reach an agreement on the weapons or the means that are to be used for implementing these development plans. So, Mr. Speaker, I plead that all hon. Members will support this Motion that we give the protection which is intended to be given to the local industries as detailed here, but also to support this line of thought which I have suggested, which is that we urge all Governments now to get together quickly and resolve these matters so that the development plans of the three countries can be harmonized and executed effectively. This, in my view, can only be done if we move fast enough towards the proposed Federation, and even spending the time when we get full Federation by getting now the Planning Ministers in the three territories to come together and work out, at an official level, the way in which these plans can be harmonized.

With these few words, Mr. Speaker, I beg to move.

Mr. Mbogoh seconded.

(Question proposed)

Mr. J. M. Kariuki: Mr. Speaker, I am rising to support this Bill wholeheartedly, but, at the same time, I would like to refer to some of the comments by the Parliamentary Secretary to the Ministry of Finance. One point, Sir, that he raised was about the co-ordination of the three Ministers of East Africa so as to find out which are the suitable measures to accelerate economic planning. But here, Sir, I would like to point out the dangers confronting all of us in East Africa. One is that all these three territories, whenever they meet on a territorial level to discuss the issue of economic planning or the federation, join in a tug of war between each country trying to say, "On our side, we want to put this or that industry", and that is one of the problems that we are always having; whenever they meet to discuss each issue, then each territory tries to say, "This industry is going to be put in our own country, not in Kenya or Tanganyika".

That is one of the problems, this sort of suspicion that this country is going to benefit more than the others, and it must be eradicated completely if we are to develop in building up these industries.

The other point which I would like to raise, is that the economic planning of East Africa must be one. I quite agree, it should be one, but it cannot be one if this conflict is going to be allowed to go ahead within the three or four countries of East Africa.

The other point which the Parliamentary Secretary raised is about local industry. Here, I would like to ask a very simple question. Which local industries, how far are they local industries? Are they really local, and by that I mean are they local in the sense that Africans are also in the local industries? This is what we must be told. The reason for saying so, Sir, is that the capital comes from foreign countries. They invest money here, they get the profit and in the end they distribute the profit among the shareholders in foreign countries. Then what are the profits which these four countries are going to get? This is what we want to know. Although we welcome the capital from foreign countries, we must also see that these industries have local people; local people must participate in these industries fully and, at the same time, more people must be employed by these local industries, if the industries are

[Mr. J. M. Kariuki] really going to support the people in East Africa. Otherwise, Sir, we will still have to support in this House, and in the other Houses of East Africa, foreign investors gaining a lot of profit from these countries, and yet we people in the four countries will get nothing. This is something we must ensure, whether they are really local, because we call them local industries, but are they really local? Do they have local participation in them? This is what we want to know. We want to know that they are really local and that in every one of these industries we have Africans who are participating fully, rather than fighting for some people who are staying in their comfortable chairs in England or in India and getting every cent from our people here. We might be staying in this House to support these people getting more money. We must be made to understand whether there is still local participation in these industries.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. De Souza) took the Chair]

The other point, Mr. Deputy Speaker, is about the so-called East African Industrial Board. Now, with regard to this East African Industrial Board, it seems to me that if an industry was set up somewhere by a company of Asians or Europeans, when an African wants to apply to set up an industry in a particular place, you find so many applications turned down. They say, "This industry cannot be erected there because we have got another industry there". When will the Africans then participate fully in those industries? They go there to object that this industry cannot be put in a particular place because we have got another industry. Whose industry is it? It belongs to a *Bwana Mkuhwa* in Europe or a *Bwana Mkuhwa* in India, and when an African applies for such and such a licence, he is told, "No, you cannot get such a licence".

Now, when are we going to come out of the mainstream of this poverty? This is something which must be rectified by the three governments. It is very serious to see that a group of Africans who want to put up a wool industry or a cotton industry in a particular place being told that they cannot have such an industry just because an Indian industry is there, and if they put another industry there, then that Indian industry will not get anything. Now, how far are we going to allow this sort of thing: if we want to raise the local industries, we must see that Africans participate fully in these industries.

So, Mr. Deputy Speaker, I do not want to take up too much time in explaining this to the Parliamentary Secretary who is very much aware of this. But we should not only be contented in having all the industries and communications around Kenya and Uganda and Tanganyika and Zanzibar, full stop. We must also see that we send our goods from East Africa to foreign countries, and if local people can have means of transporting—I understood recently that East Africans have started transporting charcoal from Kenya to Europe. Yes, charcoal. If that is true, Africans do this sort of job, we should see that they participate fully in this business, not only in sending to Uganda and Tanganyika and then they are satisfied with that. They will have to export even to Europe if they can, if they have the means of doing so.

But we should not be satisfied with just this. When goods are sent to Mombasa, who takes these goods? These are the big companies from Europe and other countries and they never pay anything in these countries. If we can get some local people who can transport these goods from Kenya, Uganda, Tanganyika and Zanzibar to foreign countries, well and good, they should be encouraged to do so. I do not want to dwell on this particular point as the Parliamentary Secretary is aware of the position, but in supporting this Bill, I would like him to bear these suggestions in mind, and within his Ministry he can try and inform other Ministers in Uganda, Tanganyika and Zanzibar of the conflict between the territories—that is, that these industries should not be put in Kenya, say, but in one of the other countries, that they must have this particular industry in their country because it is not suitable for the other countries—that it must be eliminated, because, if not, we will not be able to forge ahead with either economic development or East African federation. These are the sort of things which are retarding our economic development in the three territories of East Africa.

With these few remarks, Sir, I support the Bill.

Mr. Ngala-Ahok: Mr. Deputy Speaker, I wish this Bill to be passed without delay, but at the same time I would like the junior Minister to bear in mind a few other things, because I know his responsibility covers other fields and, particularly, this is the place where he could apply most of his knowledge and he could use his energy to see that he brings as much of the country's economy to the Africans as possible.

Arrangements could be made through his own plans whereby such Akamba carvings, such handicrafts as we have here could be exported; at

[Mr. Ngala-Abok]

present they have no market and we cannot get them exported. Then we could be proud of some of the things we make here going to other countries. In fact, we know that we should all benefit, the three East African territories should benefit as much as possible but, before we share the benefit, there should be an agreement that there is a genuine willingness to share equally and to get all the benefit we can. All countries should agree that the economic pattern will be the same, the arrangements, such as tariffs, should be the same, but you will find that some people will not like it to be the same because they disagree internally.

I think, Mr. Deputy Speaker, that we should always be dissatisfied when we feel that there is no proper arrangement made for the local man to feel that an industry is really local, and this is the major problem. All other things that we can advocate will be secondary, but the first thing must be that a local industry is an African industry, because we should not be proud of the word local if it cannot be translated to mean African. This is the only thing that should be borne in mind; it is no question of trying to beat about the bush. We must face facts, and we must see that our own people improve economically as much as possible and as far as possible. If anybody walks into the city now, he will find the whole city is white, all the businesses are owned by other people, the whites and browns, the beautiful shops, the banks and all the other places. Arrangements must be made to see to it that all these things gradually come to the hands of the Africans. With those few remarks Mr. Deputy Speaker, I beg to support, but we must get these things ourselves.

Mr. Ngala: Mr. Deputy Speaker, Sir, I beg to oppose this Bill. I am opposing the Bill because the Parliamentary Secretary has moved a Bill in a mood of showing that his own Government has failed in helping the country in the very ideas which he was putting across to his side. The Parliamentary Secretary has said that he wants to protect local industries. Nobody can doubt the usefulness of supporting local industry, but I would like to confer with the Members of Government who have just spoken, that these local industries are not really local industries because they are industries which are based on capital from overseas, and not based on any capital from the Africans of Kenya and belonging to Kenya. Recently, I asked this Ministry to show, in detail, what the African participation was in the various companies. The Ministry refused to give me the figures, because they were so ashamed

that African participation was almost nil in local industry. Because this Bill is for the protection of colonial industries, I oppose this Bill.

Mr. Deputy Speaker, Sir, the other point about our goods, is that the Ministry is doing nothing to improve the quality of the local products. It is one thing telling the consumers to stop consuming something from our side, and another thing not to do anything to improve the local products so as consumers can be comfortable in the way they think they use it. One example, local matches are quite below standard in quality, and we could not be asked to use such things which are quite inferior for the sake of using them, and in moving the Bill, the Minister said to show clearly what his Ministry is doing to improve the quality of the produce that is produced locally. For this reason Mr. Deputy Speaker, I think the Parliamentary Secretary is not really meaning business in moving this Bill. The Parliamentary Secretary is fully aware that the East African Common Service Organization has various ministerial committees. The financial Ministers meet from time to time; and the Ministers for Communications also meet from time to time; and even Ministers of Labour do meet from time to time and co-ordinate action. In his speech, he has shown very clearly that these committees have failed, they have disagreed and they cannot even make headway in matters of money or credit functions of East Africa. It is no use coming here and telling us how this Government has failed to bring about the East African Federation. We want to be told. Just last week we moved a Motion very strongly asking the Government why they had failed to bring about Federation to co-ordinate the functions of economy which are so vital to East Africa, and last week we were told that Government was vigorously negotiating on this, and very soon we would be told what the results were. Today we are told by this junior Minister that things are not going so well. Therefore, he is producing this *ad hoc* arrangements under the pretence of protecting local industry. These *ad hoc* arrangements are not required by the country. We want an over-all economic planning on the basis of East Africa.

The Minister is smiling because he is not suffering from unemployment or hunger, but there are so many hundreds and thousands of people who are suffering from unemployment and hunger and if he knew them, he would not be laughing this way. Mr. Deputy Speaker, Sir, I think it is high time that we are told in no uncertain terms that this Government, and all the other East African Governments, have failed to

[Mr. Ngala]

bring about East African Federation or to co-ordinate the economies of the countries. Interesting things are happening, but although Ministers meet in different places such as Zanzibar, Kampala and Nairobi and give lip-service to the country and pose for photographs in the Press, and so on, nothing is being achieved. The ordinary person would like to see that the economy of the country is co-ordinated. What do we get? We get an oil refinery plan for Kenya, isolating it; we get another one planned for Dar es Salaam; there are the cement factories, and so on, all of which are being done separately and in an isolated manner. This is their failure. The Minister says, "The more the better," but he is contradicting his own admission two minutes ago. If you want co-ordination, you cannot want it if you go on encouraging these separate economic undertakings.

Therefore, I think the Minister has shown great weakness in his own Government, particularly in negotiations with other Governments, and a complete failure of his own Ministry in effecting a useful co-ordination in monetary matters; it is on these that we rely for his assistance as far as East Africa and Kenya is concerned.

The other point which makes me oppose this Bill is the question of the greater co-ordination which is so vital to us. Greater co-ordination on the basis of East Africa is very important in the economic world, particularly, as we are heading the so-called Common Market, but the Common Market of East Africa does not really exist. I can see different things going on, as was even reflected in the recent talks on defence, which is another form of co-ordination. Various countries in East Africa have taken different stands and made agreements separately, and so on. What is the use of asking the Opposition when Federation should come? We are asking you to tell us the point you have reached and when Federation will come, so that the economies of these countries can be co-ordinated. It is no use to us for you to stand up and wonder when it will happen. You should have asked the Leader of your Government to tell you and then to come and talk to this House, telling us how far these matters have gone.

Mr. Deputy Speaker, Sir, I would like to make it quite clear that I am not opposed to protecting local industry, if it is really local industry. My submission is that some of them are not local industries, and I would like to see local industries which have very great participation of Africans, black Africans. This will not do because one day it will be discovered. We want their participation now.

Secondly, we are not opposed to Federation, to greater co-ordination. We only object now because the Government has failed to effect this greater co-ordination on the basis of East Africa. If the Government has failed to do this, it is high time the Minister and his colleagues resigned and walked out of this House, and for a better Government to take over.

[The Deputy Speaker (Mr. De Souza) left the Chair]

[The Speaker (Mr. Slade) took the Chair]

Mr. Jahazi: Mr. Speaker, Sir, I am not going to say whether I support the Motion or not. The Leader of the Opposition has just mentioned a few truths about the situation facing us on local industries. At the moment, we have what we call local industries which are not really so, when one looks at them from the inside. These are industries which are governed by capital from outside, and have outside directors trying to take as much as they can from this country and paying it to their own people wherever they are. The same industries are used to intimidate us because anything we say, we are told, "be quiet, if you say these things we are going to take away our capital". If anything happens in the neighbouring countries, these capitalists just export all their money and take it to London or elsewhere and then these local industries are not helping us at all. The capital is here today and, if anything happens over something in Kampala, it can cause all the capital to be taken from Kenya. Such industries cannot be called local industries because they are not local. Therefore, Mr. Speaker, I would like the Minister to tell us clearly what he means by these local industries.

Secondly, these so-called industries make products which, as the Leader of the Opposition said—although he was a bit reluctant to go further—are not up-to-date in their quality. What we want to gauge from the local industries is that the local products should, at least, be cheaper than those imported. But, up to now, I have not been convinced by all the reasons advanced of the benefits of having industry here and then having the same product costing more than the imported stuff. We are told that this is because of foreign exchange and so on, but the local man wants to see the benefits of local industry besides being employed by it. He wants to see the benefits, and he wants to participate in the gain and the profit. He should get something. Many of the so-called capitalists are exploiters, they amass so much capital and then export it and try to use it to intimidate us with it by saying that, if we are not going to come to terms with them, they will send it elsewhere.

The Speaker (Mr. Slade): Mr. Jahazi, please do not repeat yourself too much.

Mr. Jahazi: I am sorry, Mr. Speaker.

We have so many local industries with capital from outside. It is only a few months since independence and so much money has been going out. All the banks are empty; they are being emptied every day because these people are anticipating trouble and are harbouring their money in London. And what does that money do? What are these people doing to us? What profits are we getting from them? We would like this capital to be local so that in trouble, in war and in peace, this capital is here. If the Minister wants to protect these local industries—as he calls them—I agree with him, but there must also be control over the outflow of capital because, when we protect them, of course, they will be getting a lot of money, we will not be importing anything from overseas. We do not want to see that profit they are amassing being exported. We want to see that whatever we protect, in the long run, is benefiting the local man because we are trying to protect him. When they get this money, they invest it in other industries, so that there is more employment and more prosperity in the country. But if we are protecting the so-called local capitalists so that whatever they get they do not invest in the country but send it overseas, then what are we protecting local industries, Mr. Speaker?

Therefore, as I say, we want these assurances in the reply from the Minister and then I can give my opinion. I will deny my support, Mr. Speaker, so long as this question stands. Thank you, Mr. Speaker.

Mr. Pandya: Mr. Speaker, Sir, I apologize to the Parliamentary Secretary for not being here when he was moving the Second Reading of the Bill. I understood, however, from what other hon. Members have said, that the Parliamentary Secretary emphasized that this measure was for the protection of local industries, and I was amazed, Sir, keeping that view in mind, how this Ministry came about imposing duties on raw materials which, are now, I see, in the amendment, being reduced that is, the imposing of duties on raw materials, which are essential to these local industries. If they are allowed to continue at that rate, we might find that the local products will be more expensive than the imported article. I am surprised, Mr. Speaker, that his Ministry has failed to see this, and I cannot understand how any Government can put a duty on a raw material which is essential to the protection of the finished article. I am

particularly referring to Item 58 (a), corrugated sheets, flat galvanized and flat uncoated including strip in coils. Now, Sir, I want to make it perfectly clear that I am not interested in this industry in any way whatsoever, but I am just questioning the principle, and probably the Parliamentary Secretary, when he is replying, will assure us that his Ministry will look into this matter and see that if this Government means to protect a local industry, the raw material should be allowed to enter this country free so that the finished article can be cheaper than a similar imported article.

Now, Mr. Speaker, I am surprised at some of the remarks that have been made by hon. Members. Personally, I felt that they were quite irrelevant to the Debate. What is meant by local industry? An industry which is locally situated in this country. This Government has always said that they want to welcome outside investment as much as possible; they want to encourage investment; and they want to create conditions of confidence and stability; they want a greater number of people of this country participating in the industries of this country I know that. Well, I have been shocked, Mr. Speaker, that many of the Members here have said just black citizens are wanted, but I say that local citizens should be given as great a chance as possible—

Mr. J. M. Kariuki: Is it in order that the hon. Member should address us direct?

The Speaker (Mr. Slade): I do not think he was addressing hon. Members directly, he was speaking to the Chair, though he was at times looking in other directions.

Mr. Pandya: I do not want to focus my attention on one Member, Mr. Speaker. I like a diversity of Members on the other side. I am, however, particularly mindful that I have to address or look at you from time to time, but I want—

The Speaker (Mr. Slade): You must address me always, but you will be excused from looking at me at all the time.

Mr. Pandya: I entirely agree that we want increasing participation of the local people in the industries of this country, not only at a low level, but also at the highest level within this industry, on an entrepreneurial and on a managerial level. However, I say this: that we should not discriminate between the local people who are involved in local industries, and those people who have faith in this country and want to bring in their money, their skills, etcetera, to participate in local industries. It is no use my hon. friends

[Mr. Pandya] taking part in this Debate to interpret local industries as only those run by local people. I appreciate that. I am a local man. I want to take an increasing part in these local industries. I think it is wrong, Mr. Speaker, to be in this House and say we are here to support the economy of this country if we continue to talk in this fashion. It is time that we, as responsible Members of this House, realize that we want to bring confidence into this country, we want to welcome those who feel they want to invest in this country. I entirely agree it is wrong for these people here who, on one side, show confidence and on the other side, particularly the investors from outside, try to send their profits to other countries. They should try to invest all the money they make in this country.

Mr. Speaker, Sir, I want to make it very clear that I am an African and I am tired that every time I stand up to participate in these Debates, people shout "African"! The sooner they realize the truth the better it would be for them.

I appeal to hon. Members please do think when they take part in Debates like this and try to take a balanced approach. As I have said, I am with them on this issue of local people taking an increasing part and we will take an increasing part in local industries. However, we must remember that we must welcome all the people who want to invest in this country, and, above all, everybody must be treated equally. I hope hon. Members will realize this important fact and not merely pay lip-service, as they are doing, in trying to please their constituents by making speeches which, in my opinion, Mr. Speaker, are damaging to the economy of the country.

With those words I beg to support.

Mr. Khasakhala: Mr. Speaker, Sir, I find it very difficult to speak on such a Motion which might have a very different meaning from that which seems to be apparent to us. The junior Minister has referred to local industries. We cannot include Uganda in these local industries because, when these people come with things from Uganda, we have to pay more money to include the cost of transportation. When we talk of local industries, we want the junior Ministers to tell the House specifically where these local industries are established throughout the country. An industry in Uganda or Tanganyika cannot be considered as an economic industry for the people of this country, especially Kenya. It is not, because we are not going to get our people employed in Uganda or Tanganyika. Therefore, I would like to bring to the notice of the junior Minister a few

points which he should take into consideration if the Government wants us to support this Motion.

The first point is this. The junior Minister should realize that these industries should be spread throughout the country and should not be centred in one particular area so that, as a result, only certain people will benefit while others suffer. All people should enjoy the benefits equally. Why should certain people buy things at a cheaper price while others have to pay a high price for the articles they purchase?

Secondly, the Minister should also make it clear to the House that these local industries have local people working for them as directors. There should definitely be no local industries which have directors from overseas or any other place. The local people should participate in the manufacture and direction of these local industries.

Thirdly, we would like to see that all the local industries have a big difference in price as compared with things imported from other countries. At the moment, if you buy Kenya cement, there is no difference in price to show that it is being produced here. The price is a fake. The poor man should be in a position to know that, if he cannot afford to buy expensive things, he can always purchase locally made things which will cost far less and will be within his means. The local people must definitely benefit from the local industries and, therefore, the prices must definitely be low.

With these few remarks, Mr. Speaker, I would like to resume my seat. I cannot make up my mind whether I should support the Motion or not.

The Speaker (Mr. Slade): The pros and cons of various points concerning local industries have now been argued several times over. It is an important matter, but we cannot take the points that have been argued over and over again.

Mr. Kamunde: Mr. Speaker, Sir, I think we have heard quite a number of comments, many of them useful, particularly from the Government side. Some of these points, however, I think require re-consideration. I am—

Mr. Anylen: On a point of order, Mr. Speaker, I seek your ruling. Do Back-benchers now sit on the Front Bench and not at the back as usual? Or is it perhaps that those now occupying the Front Bench have been promoted to Ministers?

The Speaker (Mr. Slade): Whether an hon. Member occupies the Front Bench or not is a matter for his party to decide.

Mr. Kamunde: If the Back-benchers were not so back-biting in their comments, they might, conceivably, become Front-benchers in due course.

Mr. Speaker. I would like to comment on this point of ownership. I really do wonder what is meant by owning.

Mr. Speaker, Sir, our demands are for local industries, even if we mean industries that originated here or industries that have been imported here. What surprises me—here I am speaking out of my head—is how do we expect to own these industries, by being co-directors if we do not invest our money in them? There are times when I see that we are trying to express our own capitalism-in this House. If you want to become a director of a company, the first thing to do is to encourage our people to put their money into this company. It is no use just telling our people that we can be owners of this company or directors of that company if our people are trying to invest their money badly. Let them invest their money in these companies and these companies only. Mr. Speaker, Sir, I am speaking my mind because I know that this is true.

Secondly, Sir, we are the people who say in this House that our people are unemployed, that our people are this and our people are that. It is true they are unemployed, it is true that they are very poor and it is true that they do not have the money, at the present moment, to invest in these big companies. How then—going back to what I call sensible thinking—could we expect these people to employ 15 per cent of the population and yet tell them we want to own these things? We cannot concentrate on what we have told the public, either through the Prime Minister or through the Government of this country, and I think this is very poor experience.

Mr. Speaker, I shall want to go back to whatever sensible end I can. I think the local industries, which record a lot of industry, are industries which have money invested in them. I am not going to repeat myself, but I would like to see many of our people either buy shares in these companies or invest their money in some other way in these companies, so that we can, eventually, own them and throw away the white man or whoever it is. Invest your money in them now and you will own the industries.

Mr. Speaker, Sir, we have naturalization under the Constitution. I have been accused of having the mind of an imperialist, but I have a mind of what we have promised our people in the Constitution and in our own Manifesto. That is exactly what we promised them. It is one thing

for a Member to come and stand here thinking that the Government is going to give him a lorry and it is a different thing for a Member to stand in this House and say only a black man may have a lorry. We cannot have it both ways. We cannot tell the public that the Government is for everybody if it is not.

Mr. Speaker, we want to build up our own local industries in the second place. Another thing I would like the Ministry to do, is to help our people by giving them loans and help them in every other possible way so that they can start industries of their own now, so that they can learn the way of running them. Another thing is that we should encourage our business people to have more knowledge of running their own businesses, they should not merely stand and wait for businesses of their own. We have seen some of these industries, that have been started, destroyed by these people who are full of imperialism. This is what we are not going to allow.

Mr. Speaker, Sir, I want to tell the junior Minister that we want to see these things move all over the countryside, because these industries may not be able to be carried on in places where these things are not existing. Mr. Speaker, I will get to the point. We want these industries to be spread all over the country, whether the investors are foreign or not.

Mr. Speaker, I want the Members of this House to bear one thing in mind: that we have our people in mind in terms of one day we shall see all these companies, not necessarily purely black, but owned and run by Africans. I do not think it is a question of trying to tell people to say, "Let's go and take all", but we should be encouraging our people to learn and to try and run these industries. I am absolutely certain that some of the Members who are shouting now, if they were given even a soapbox, they could not use it.

With those few words, Mr. Speaker, I beg to support.

The Parliamentary Secretary for Works and Communications (Mr. Nyagah): On a point of order, Mr. Speaker, I do not know whether I am in order to move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): I think it is quite reasonable for the House to decide whether or not it would like the closure at this stage.

(The question was put and negatived.)

Mr. Malsori-Itumbo: Mr. Speaker, Sir, I would like to thank you for giving me this opportunity to say a few words on this Motion.

[Mr. Malsori-Itumbo]

I would like, Sir, to know a few things and would like them to be clarified when the Minister or Parliamentary Secretary has to reply. One point refers to the security position of the foreign investors in this country. I wonder whether the Parliamentary Secretary is aware that we are likely to be faced with what the Russians or communists call nationalization in Kenya, or rather in East Africa. I am very worried because of the way in which the Ministry is handling the situation now. I think the hon. Member who is trying to interrupt me will have to excuse me if I express my mind on this particular Motion.

Mr. Speaker, due to the way in which industry and commerce is held by the present Government, I do not think even the foreigners are wise enough to invest their money in Kenya at the moment. This is because we have a lot of problems at the moment facing us. I am sure that what I am speaking is true. I do not see any change, because people have no employment and people are just walking in the streets without proper positions, and I am sure that, if the Ministry brought any plans to encourage the local people, specially on the employment side, sooner or later, we will see the same underground movement coming to Kenya as the one in Zanzibar.

The Speaker (Mr. Slade): Mr. Malsori, I think you are getting rather beyond the scope of the Motion we are on now.

Hon. Members, as I have said on other occasions, when we debate an amending Bill, we are limited strictly to the proposed amendments and the justification for those amendments. In justifying these particular amendments of customs tariff, the Parliamentary Secretary has explained that they are needed to protect local industries and to foster economic co-operation within the three territories; and so that is relevant. The question of whether or not we want to protect local industry, and what you mean by local industry, is relevant. However, you cannot get on to the general need for local industry, or what will or will not encourage investment to come to this country other than protection by tariff. We have to keep within the range really of what the Parliamentary Secretary said when he introduced this Motion.

Mr. Malsori-Itumbo: I am sorry, Mr. Speaker, I will try to keep to the point.

Mr. Speaker, I would like to know shortly how many Africans—if the Parliamentary Secretary means to encourage the Africans to take over from the foreign investors—are now in various

countries being properly trained in the business of commerce and industry? I am afraid that before we have such clever people able to run businesses, we are likely to ruin our own interests. We are trying to take things over which, of course, we are not prepared to carry on with properly.

At the moment, Mr. Speaker, most of the foreign investors in Kenya are running businesses where they have their own directors and there are very few Africans who know what the various departments in these businesses are doing. On the other hand—

Mr. Ngala: On a point of order, Mr. Speaker, is the Member in order in being relevant after your ruling?

The Speaker (Mr. Slade): It seems to me that he is in fact becoming relevant again, because several hon. Members have said that the only local industry they would protect is that which, at this time, consists entirely of local workers and local capital. I think Mr. Malsori-Itumbo is arguing against that point of view. At this stage, he is relevant.

Mr. Malsori-Itumbo: I think the Leader of the Opposition will soon be crossing the floor, I am sure of that. He is so confused.

With regard to loans I wish to stress one point which concerns the loans given to Africans. Up to now Africans are not trusted. If they apply for loans, for example at the local county councils or the boards in charge of giving loans, they are given practically nothing. Unless the Africans have sufficient security or mortgages to present to the boards they are given practically nothing by these Loans Boards.

The Speaker (Mr. Slade): Mr. Malsori-Itumbo, you are wandering from the point again.

Mr. Malsori-Itumbo: Mr. Speaker, I still have a few points to make, although I am sure other hon. Members are anxious to speak. That is why I think they are interrupting me.

Another thing is that the Africans need encouragement. We would like to see the Minister hand over this responsibility to the Africans, otherwise, as I said before, the people are not going to be satisfied unless they see that everything is under the control of the present Government. We must see that all lands and all industry are nationalized.

The Speaker (Mr. Slade): Order, order. Mr. Masinde, hon. Members must not pass between the Chair and the Member on his feet.

Mr. Maisori-Itumbo: Mr. Speaker, I am sure the answer to this problem is nationalization of all business and trade. May be most of the Members will not agree with me at this moment but, if they consider this point over again, they will agree with me. Nationalization is the only solution to unemployment and to all other troubles.

The Speaker (Mr. Slade): Mr. Maisori-Itumbo that is not relevant, it is quite irrelevant.

Mr. Maisori-Itumbo: With these few remarks, Mr. Speaker, I beg to support the Motion.

Mr. Shikuku: Mr. Speaker, Sir, the last speaker has taken up quite a lot of time. I have only one or two points to mention, because many Members have spoken at length on this subject, and I do not wish to repeat what has already been said.

When you refer to this question of local industries I wish to emphasize—though this point has been mentioned by the hon. Member from Meru—that local industries should be spread throughout the country. I brought up this very point sometime ago before this House and I now hope the junior Minister will take note of it. We do not wish to have more words in this House, but we prefer to see some action, because we have said much in the past and it is time that we got down to some serious action. The junior Minister should take these remarks seriously and electricity should be distributed throughout the country to enable the industries to be encouraged.

Another thing is that—

The Speaker (Mr. Slade): Mr. Shikuku remember that we can only discuss, with reference to local industries, whether or not you want to protect them by customs tariff, and if so, what kind of local industries.

Mr. Shikuku: We have to encourage these local industries by protecting them and helping them to turn into big industries. We can do this by limiting the quantity of some of the necessary materials which are imported into this country to a certain extent. Take, for example, the industry of shirt-making. There is a small industry in this country which makes cheap shirts, but it is said that this industry has to compete with similar industries overseas. This sometimes has the effect of making these small industries dwindle down. I feel we should encourage such industries to carry on—I hope the Parliamentary Secretary to the Treasury is taking note of this—so that these small factories can, in course of time, grow into big factories, so that they will be able to keep on their staff most of the people who are now employed there.

In order to encourage these industries we must also purchase materials that are produced locally. Shirts made at these factories must be bought by many Members in this House and they could, in this way, contribute towards the progress of these factories. It should be our business to try and preach this sort of attitude in our political meetings; we should encourage our people to buy things that are produced locally because, if they do so, they will be helping that factory to employ more people. In this way, they will be helping their own people to find and keep employment. There is another side to this. By buying shirts made overseas we are helping someone else to grow rich, so why not help our own people? This sort of thing will surely not be in the interests of the people of this country.

There is another industry which I feel should be protected and that is the polish industry. They have—

The Speaker (Mr. Slade): No, I am sorry, Mr. Shikuku. You can agree with the general principle of protecting local industries by customs tariff and to the particular tariff proposed by this amending Bill, but I am afraid you cannot go on and say what other industries should be protected by other changes in customs tariff, because that is going beyond the scope of this particular amendment.

Mr. Shikuku: I must say then that the encouragement of these local industries is very low at the moment and I hope that the amendment which has been put before this House by the Parliamentary Secretary is going to make a considerable difference. This must be put into practice; if it is not going to encourage local industry, then that is a different question and we might as well raise this same issue again. Quite possibly, if the Government hears us barking on the same point, it will take note of what we say. It has been a practice in this Parliament, whenever we raise some important issue, either to reject it or accept it partly. However, I wish to stress that the encouragement of local industries is not a issue that can be accepted in part only; it has to be accepted wholly and in good spirit. The Government will have the task of seeing this put into action. It is not merely a matter of our saying things which will appear in the HANSARD and the papers of the following day. We are not interested in the headlines in the papers, but we are certainly interested in protecting local industries and seeing them spread throughout the country for the benefit of all people in Kenya.

With these few remarks I beg to support.

(The Debate continues)

The Speaker (Mr. Slade): If only you would be patient Mr. Anyieni you might be called to speak, but you will rise before the hon. Member who was speaking has sat down.

Mr. Anyieni: I am sorry, Mr. Speaker.

Mr. ole Oloitipitip: Mr. Speaker, Sir, I am going to be very brief on this Bill. I would like to mention only three points. Firstly, when the hon. Members speak about local industry, I have heard some of them saying that they would like them to be Africanized. That means they want only black people to be there. I do not support this idea, because first of all if you look at this dogan which Kenya has now of *Harambee*, that means let us all pull together, which means that all citizens of Kenya will participate in the call. Mr. Speaker, Sir, they say they want only Africans to be there and I say this: the people who planned these industries are the white people who they know much and they have been participating for years, and they have a lot of experience about it. Therefore, by all means we need them. Therefore, I would like only to hear from them that they would like the African to participate in these local industries.

The question again, Mr. Speaker, Sir, is how the Africans are going to participate in these local industries. First of all before you participate in these industries you will need to have sufficient knowledge and enough money to participate in local industry. You cannot be right in saying that we want more Africans to be there, we want all Africans, all black faces. It is impossible.

Therefore, Mr. Speaker, Sir, the only thing we want to put across this House and to the junior Minister is that the African today wants to participate in these local industries and it is, therefore, up to this Government of ours to try and find means of how the Africans can participate in these local industries. That can only be achieved by encouraging co-operative societies and lending money to the local Africans so that the local man has sufficient funds to be a director of any of the local industries in Kenya. Therefore, we must be reasonable when we speak, because when we say that we want the black faces, we are chasing these people away from our cities. We cannot be racists when we really mean to be an African Government.

Therefore, Mr. Speaker, although I do not like to repeat myself, but it is very, very important that, when an hon. Member rises to speak in the House, he must speak for the interests of all the people in Kenya. African racialism is a system in Kenya. The Africans want to participate in every

co-operative we have in this country. Again, if you Parliamentary people, hon. Members, stand up here in this Parliament and say, "We want Africans", then the people here will only think, "What are these people trying to do? They only want us to build an industry and then they take it away from us". I do not think, Sir, that this is the way in which we should encourage people to invest in industries in this country. Therefore, I ask all hon. Members, when they speak, to be very careful about handling a situation like this, because I feel that the local Africans in the industries in question are too young. When I say young, I mean that at first you need acumen, knowledge and money, and the African has not got all these things yet. I would like to tell the Government that it is high time that the African participated in local industry and it is therefore, up to the Government to find all possible ways and means of finding sufficient money so that the Africans can become participants in local industry. That is a very important point which the Members of this House should remember.

The Speaker (Mr. Slade): Mr. ole Oloitipitip, you must remember that we are discussing a Bill for amendments of customs tariffs. You had better get on to that.

Mr. ole Oloitipitip: Mr. Speaker, Sir, with these few remarks, because that is all I want to put across, I support the Bill, provided the Government is going to see that Africans get shares and sufficient funds so that they can also become participants in these local industries.

Mr. Anyieni: Mr. Speaker, Sir, the Parliamentary Secretary is going to reply to this debate and I would like to ask him one or two questions.

The Parliamentary Secretary knows very well that under the colonial rule the Africans were the last to take part in all these industries that we are talking about. I would like him to tell us today of the local industries which he wants us to protect, how many industries there are and how many of these are in the hands of the Africans, in the hands of the Asians and in the hands of the Europeans. This afternoon, we have been saying that we would like Africans to participate in these local industries so that they can also be protected by this Bill, and a lot of Members have said that the Africans do not have money and, therefore, we shall probably be leaving this as an exclusive monopoly for those who were given privileges by the colonial government to run these industries.

My suggestion is that those local industries which are owned by those who came here at the

[Mr. Anyieni]

time of colonialism, the main ones, should be nationalized so that we shall truly maintain the protection of our local industries.

Thirdly, Mr. Speaker, with regard to the new industries which are coming, and which we are talking so much about, we would like, instead of people investing money in this country with the intention of getting it out in the form of profits, those countries which are friendly towards Kenya and want to help us industrially to give us loans. I hope the Parliamentary Secretary is listening to this. They should give us loans. At the moment we are saying we would like to have a cloth-making plant, but what we would really like is to have a loan. With this loan the Government can establish a Government-controlled factory, where Africans would be able to buy shares and own the factory. There should be a limit to the amount of shares any one person could own, so that no black African capitalists can buy all the shares, and thus have an industry benefiting only one or two people, instead of an industry which would benefit the whole country.

Mr. Speaker, I would also like to say that if we are going to talk against people who want to bring their goods into this country to compete with ours in other words charging a little bit more—we would like the Parliamentary Secretary to go and draft out another Bill which will restrict those who have brought money here from taking it out. He should also ask us to restrict this money going out. If we are going to make a one-way street, the person who brings money into this country and who sends all his profits to England so as to build big factories, this is not right. Next time, we would also like the Parliamentary Secretary to bring a Bill limiting or restricting, not exactly stopping, money.

The Speaker (Mr. Slade): You are getting beyond the point, Mr. Anyieni and we have heard your argument several times. We do not want any more repetition.

Mr. Anyieni: Mr. Speaker, what we would like to see is that local industry reflects the majority of people in this country. Other hon. Members have said that we have agreed that all businessmen should take out citizenship. We have also agreed that although in the Colonial days the Europeans were first, the Asians were next and the Africans were third, a situation like that cannot be prolonged. We should work for a situation whereby the Africans can work abreast with the other races. The Africans do not have money in their pockets and, up to now, the law has been that they can get loans for about Sh. 500. The

rule should be that these people should get enough loans so that they can compete, otherwise this Bill is only protecting the local capitalists.

The Speaker (Mr. Slade): I would remind hon. Members again that this is a Bill to amend the customs tariffs. We have heard a very large number of speeches on both sides of the argument, as to what sort of local industries we should have and what should be protected by customs tariffs. I do not think that I should allow any more discussion of that particular aspect of this Bill.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, may I call upon the Mover to reply.

(The question was put and carried.)

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Speaker, Sir, this has been a stimulating afternoon and has allowed Members to bring forward the views they have on the sort of industries which should be protected in East Africa. I must say at once, however, that I am depressed that, at a time when we are preaching "East Africanism" and preaching Pan-Africanism, we can have an hon. Member of this House standing up in this House and saying that an industry set up in Uganda (to serve East Africa, while we have a common market in East Africa, while we are trying to promote an East African Federation), should not be regarded as a local industry. Mr. Speaker, Sir, this is a shame because in Kenya—let us face it—the great bulk of our industries depend on an East African market. If we did not have that East African market, they would not be able to survive. The industries which we have now would have to shrink and some of them would have to be closed. So let us face it, Mr. Speaker, it is not a question of our being merely generous to other people; it is a question of knowing that the East African common market is of mutual benefit to all those people who participate. Therefore, I feel, Mr. Speaker, that if, as the hon. Member is saying, he was misunderstood, he should make himself clear. I think that we should, from this House, repeat that it is the policy of the Kenya Government to maintain the East African common market and, above all, to make sure that it does grow closer, to ensure that this market is the basis of the greater economic growth which we have all promised our people.

Indeed, Mr. Speaker, the industries which some of the Members have stood up here and said they want promoted cannot be promoted on the basis of the Kenya markets alone. Therefore, Mr. Speaker, on this one question, let us get it from

[The Parliamentary Secretary to the Treasury] this House to the world, and above all to our brothers in the rest of East Africa that the hon. Member who spoke was actually alone and is not supported by the House.

Mr. Speaker, I want to go on to mention four points which have been made during the Debate, and I want to deal with these four points each one by one. The fundamental one has been that the industries which we now seek to support and which are now protected by the tariffs, are not genuinely local, and the Members would want them to become genuinely local. Mr. Speaker, the sentiment is understandable. What is not understandable is that Members should try to have their cake and eat it. It is impossible because you see, Mr. Speaker, on the one hand, the Members here in another Motion only last week said that we should encourage the setting up of certain industries—and they named them—in all parts of Kenya. At the same time, the same hon. Members said that they understood that the biggest problem for the Africans was that they did not have capital, and the second biggest problem was that the Africans did not, as of now, have the know-how they were not able—as of now I am saying—to run complicated industries, and that they needed the help of the Government to get the capital and to get the manpower that is now required.

An hon. Member: Whose fault is that?

The Parliamentary Secretary to the Treasury (Mr. Kibaki): We are not saying whose fault it is, Mr. Speaker, because it is wrong for us here to merely indulge in wishful thinking: "if only things had been different" and so on. It is no use asking whose fault it was. We all know whose fault it was. Then why repeat it here? We should be positive. What are we going to do about it? If we repeat, as in fact every hon. Member in another debate in this House admitted, these two factors—the fact of our people not having the knowledge, the education, to run the complicated technical processes and the fact of our being short of capital—if these two factors are admitted as the limiting factors in our development, then, Mr. Speaker, we must, by the logic of those assumptions, see that we do all we can to encourage those people who are prepared to co-operate with us in providing those two missing factors.

Otherwise I do not see, whatever the theory any hon. Member wants to propound—and I am willing to receive any theories from any hon. Member—I do not see how else you are going to be able to promote the sort of development you

want here without these two factors. So, Mr. Speaker, before I go on to answer each question one by one, I want to emphasize that the attitude of mind which has been demonstrated here seems to indicate that some Members think that someone somewhere in the world owes us a living. Mr. Speaker, no one anywhere in the world owes us a living. If there is going to be any promotion or development or improvement in the standard of living of our own people here, we owe it to our own selves, with our own hands, to work for it.

Mr. Speaker, hon. Members have brought suggestions here that we encourage foreigners to bring their capital here, then, when they have come in, we nationalize them, we take their business over and we run it to ensure that it is entirely local. Now this seems to me to be an inverted way of thinking, to say the least, because we should not assume that the people who are going to bring their capital here are either stupid or alternatively, Mr. Speaker, have nowhere else to take their capital. That is entirely wrong because if they know that, by bringing their capital here, all we want is merely to have the business and then take it over, they will not bring it. Why should they? Would any hon. Member here throw away his own resources that way? No. Therefore, Mr. Speaker, let us face it, no one in the whole world owes us a living, and if we really want to have development here, it is for us in this House to negotiate with the people who have capital, to negotiate with the people who have the technical know-how and to show, above all, that the enterprise we are inviting them to go into will be mutually beneficial. If it cannot be shown to be mutually beneficial, then business will not come out here.

Let us not fool ourselves; this is a problem that faces every developing nation in the whole world. It was a problem which faced China, for instance. They had technical assistance from Russia and there had to be an agreement on how things were going to be done.

Mr. Speaker, I feel I may be getting beyond the Motion, so I will come back to the main theme. Now, as a Government, we have already said here, and indeed, when the plans which we have now are announced, we will show that we have a positive programme of ensuring that there is greater and greater participation by the local Africans in industry. After all, we, as a Government, would be entirely failing in our duty if we did not ensure this. So, Sir, this is the answer to the many people who want greater local participation. It is in no new point to this Government. It is a point which we have taken as a

[The Parliamentary Secretary to the Treasury] fundamental assumption in all our thinking and in all our planning. In fact, what the hon. Members here can do to help us, if I may say so, Mr. Speaker, is to ensure that those Africans who are now getting larger incomes in this country are encouraged to save and to put their money either into public enterprises or, themselves, to go into business, because as an hon. Member did say here in reply to this question, it is absolutely senseless for us to suggest that a man who has no capital, a man who has no resources of his own, is going to have a way of owning and controlling. It is not going to be possible. Let us face it; let us be practical, let us not try to lead our people into the wrong paths. If we really want to help them, let us encourage those of them who are getting greater incomes now to save, invest it, let them tighten their belts and let us ask the hon. Members themselves here to tighten their belts and save and get more investments in industry here. Then they will have some say and some control. That is the only way.

Mr. Speaker, I want to go on to the second point which was raised by the bulk of the hon. Members. There was a statement that the quality of the goods produced by the local industries does not match up to the quality of the imported goods. Now Mr. Speaker, personally I would not agree with this because everybody knows, Sir, that lots of the local industries which have been promoted in Kenya, have now got international standing. Indeed, if you look at our dairy products, they are of international standing, we compete internationally with anyone anywhere.

If, Mr. Speaker, you look at our matches—all the hon. Member wants is that the particular product should be efficient. We, as a Government, agree with him, but this does not prove, therefore, that it is wrong to protect the local industries. What the Member wanted to say is that we must not protect inefficiency. We entirely agree with him. We are going to protect a local industry if it is shown to be efficient; in fact, we as a Government are going to take measures to check the working of protection, because as a Government we have a duty to protect, not merely the producer, not merely the industry, but the consumer. Therefore, if the hon. Member has a complaint against a given local industry which he believes is persistently producing stock which is continually below standard quality, then, surely, he knows that all he has to do is to tell the Minister concerned.

There was a point made, Mr. Speaker, both by the hon. Member for Aberdare and the hon. Leader of the Opposition that the co-ordination in East Africa should be smooth and should work

more efficiently. We agree that it should work more efficiently; in fact, it will be soon because Mr. Speaker, I, myself, in introducing this Motion, said that what we were aiming to do was to improve the machinery for co-ordination in East Africa to make it more effective. However, I did say that we are hopeful that fairly soon there will be more steps taken to ensure that this machinery for co-ordination is more effective. Therefore, it was not a new point to say this: we are conscious of it, we are doing what we can.

What I could not understand, Mr. Speaker, was that on the one hand the Leader of the Opposition warned the Government to take greater steps to ensure that there was more co-ordination in East Africa, and, on the other hand, he said he would not support this Motion which, in fact, does display a measure of co-ordination. It shows a measure of co-ordination because, before we brought these measures of protection, we had consultations with the Governments of Uganda, Tanganyika and Kenya. We discussed this issue, and it was agreed as to the measures we should take to protect these industries. Some of them will be located in Uganda, some in Kenya, some in Tanganyika, but, as you know, we have a common tariff, and this common tariff will have to be unified, and there will also have to be agreement between the three Governments. Therefore, the very presentation of this Bill here, in the Uganda Parliament and the Tanganyika Parliament proves the Leader of the Opposition entirely wrong in his allegation that the Government is failing in trying to co-ordinate. We have reached a measure of agreement, and we are continuing to obtain a measure of agreement.

Mr. Speaker, I want to go on to the third point which was raised. Member after Member came forward with the suggestion that if we are going to protect these industries, as the colonialists protected them, we must pass a measure to ensure that the earnings are not repatriated, are not outflowing or removed from the economy of East Africa. This is a point which is fundamental to our thinking and to our planning. In fact, we ourselves, as a Government, want to do everything we can to ensure that the earnings in East Africa, are reinvested in East Africa. After all, it is a logical conclusion, but, let us face it, you will not achieve your objective of encouraging greater reinvestment in East Africa by passing a law. You must not pass a law saying that if you come in, we shall never allow you to go out again.

India has not done this sort of thing; Ghana has not done this sort of thing; Egypt has not done this sort of thing; and Algeria has not done

[The Parliamentary Secretary to the Treasury] this sort of thing. No one else has done this sort of thing. In fact, we have the laws that now exist in those countries. Therefore, Mr. Speaker, if the hon. Members really want to know the laws that exist in those countries, will they take the trouble to read those laws? We, in the Planning Ministry, are trying to study what other people have tried to do, and, in fact, we have copies of those laws. What I am saying, therefore, Mr. Speaker, is that we shall achieve nothing by frightening people; by telling them that East Africa is a very insecure place; by telling them that if you come out here you will never be allowed to get out again. Who, Mr. Speaker, would willingly go to a prison? No one. Above all, where is the hard-headed, moneyed man, who has his own money in his own pocket, who will willingly commit it to an investment where he knows he will never get it realized? Where is a man so stupid as to do that, or rather where is a man so generous as to think that he owes these poor starving people in East Africa a living, to think that he must bring his money here irrespective of what he will get out? Let us face it, nobody really has to do us a good turn, nobody. Nobody has a duty to us; it is for us to go out and present ourselves as being reasonable people who want to co-operate with people who want to help us. So, while I agree entirely, Mr. Speaker, that we must be positive and encourage reinvestment of earnings and profits which are earned here in East Africa, we are going to do it through measures which will not frighten any investor; through measures which we are sure that they are for the mutual benefit of the investor and the local company here. That is the point which, I think, we have to clear.

One hon. Member did make a specific request that we encourage the protection of industries, such as the local handicrafts and so on, and encourage their export so that the industry grows. The problem here is not competition, because we are original; we are the producers of these handicrafts and there is no question of imported goods competing with them. The problem is one of finding markets overseas, but I am told that there is a genuine effort to do so and also that they have found greater markets already in the other countries. I agree that there should be a campaign—there must be—to encourage people to consume local produce. It was the hon. Member for Butere who wanted us to start a campaign to encourage people to buy local. I entirely agree with him, but I would like to see it made a campaign in which every hon. Member in this House will participate, because this is the way we are going to encourage income; this is the way we are going to ensure that an industry, set up locally, has a sufficient

turn-over to make it economic for them take on more people. This is the way that we are going to ensure that we ourselves save ourselves—as I said in the beginning—by producing locally so many of the things we have been importing up to now and, therefore, we shall become less dependent on foreign countries; we shall begin to become slightly more self-sufficient. Of course nobody, Mr. Speaker, in the modern world, is fully self-sufficient, and, although we aim at a great measure of self-sufficiency, we do not think that it will be entirely realized.

To come to another point which was made by the hon. Member for Majoge-Bassi, that he does not want the Government to encourage what he describes as "black capitalists". Now, Mr. Speaker, while, occasionally, I have cause to agree with my friend, where I do not agree with him is when he wants to bring in slogans which, of course, may have had meaning in some place, but I do not know what meaning they have when applied to this sort of situation. We have Africans in Kenya, in East Africa, who, through their own efforts—in fact the hon. Member himself is a very hard-working man so he knows this—are able to work hard, to earn a large income, and to tighten their belts and save money and they want to invest that money to encourage whatever line of business they are in to grow. I do not know that the hon. Member would like us to go out of our way here to tell those Kisii farmers who earn a substantial living from coffee, from pyrethrum, from whatever other crop they have worked with their own hands to produce, that they should be barred from investing their earnings in yet wider fields. Mr. Speaker, Sir, I will not give way, because this would mean yet another discussion on the dialectics and the meaning of capitalism. We have all done many theses and written theories on what all these things mean, and I am quite willing to have a free afternoon in a chamber outside to discuss these things. But, what I am thinking of, Mr. Speaker, is that the positive line of thinking is for us to ensure that, while encouraging greater investment by everyone, the obvious disparities of income which now exist in Kenya, these great disparities of income between our own people of Kenya and in East Africa, are reduced, and in fact removed. The Government will not quarrel with us on the programme, but the way to do it is not the way the Members have suggested.

Mr. Speaker, I think there is only one more point which has been raised by hon. Members and which I want to deal with before I sit down. There has been a suggestion that the African participation in these so-called foreign industries

[The Parliamentary Secretary to the Treasury] has not been enough and should be encouraged, should be effected. There are two points to this: one, we already have—and everyone knows this, The Ministry of Commerce and Industry has written a circular to all the industries asking them to answer a questionnaire to show what Africans they employ, what level these Africans are employed at, what responsibilities they have. What else is participation if you are not going to work in it?

From the replies to this questionnaire, we should be in a much better position to have just what has been asked. What is more, Mr. Speaker, in our own way of thinking, that situation cannot be achieved merely by telling a man who has his own business that he must take Mr. Kibaki on because he looks nice to us. It is no good. I believe that the way we are going to have the Africans in Kenya taking a larger share of the participation in the economy is going to be by encouraging those same Africans; helping them with managerial training, let them learn these skills, let them, above all, be qualified people; let them have the skills, because this is the limiting factor in African participation in business. Every Member here, Mr. Speaker, knows of hundreds and hundreds of African businesses which have been helped by loans by the Government in the past, and which have not been able to make a go of it for the simple reason it is not merely money, it is that that person to whom you give money must also have this managerial ability. Therefore, if the hon. Members stand up here and say that we ought to expand the school which we now have at Kabele to become a full-scale managerial institute for training people who would like to go for commerce and would run the Government public utilities, because we are going to be short of people even in that sphere, I believe, Mr. Speaker, if that was the suggestion, I would entirely agree with the Members, because that would be positively in the interests of all people. I want to stress, once again, that these are measures on which we are agreed. East Africa has displayed a measure of co-ordination, but I have said that the need of the times, because of new development, requires even greater co-ordination and even greater integration.

With these few words, I very much commend the passage of this Bill to the Members, and all

the other new ideas they want us to go into, will receive consideration in due course.

Mr. Speaker, Sir, I beg to move.

(The question was put and carried.)
(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

ADJOURNMENT

The Speaker (Mr. Slade): Since there are only five minutes before the time for interruption of business, I do not think it will be convenient for hon. Members to start with a new matter now.

The House is therefore adjourned until tomorrow, Wednesday, 11th March 1964, at 2.30 p.m.

The House rose at twenty-five minutes past six o'clock

WRITTEN REPLY TO QUESTION

Question No. 102

REHABILITATION OF FOREST FIGHTERS

Mr. Choge asked the Minister for State, Prime Minister's Office, what steps the Government was taking to rehabilitate and re-establish the former forest fighters who had now come back into society.

REPLY

(By the Minister for Labour and Social Services (Mr. Mwendwa))

This question, as it impinges on the responsibilities of my portfolio, has been passed to me for advice. Perhaps the hon. Member for Nandi South will agree with me that rehabilitation, with regard to forest fighters, is not what is required. What is needed is that they should be absorbed into their former communities and accept full responsibility as Kenya citizens. After all, do they really need rehabilitation or do we?

The normal apparatus for securing employment, either in industry or on the land, is available to forest fighters as it is to every citizen of Kenya.

Where there is dire distress, assistance may be sought through the normal relief of distress channels.

Wednesday, 11th March 1964

The House met at thirty minutes past Two o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

NOTICES OF MOTIONS

Mr. Khasakhala: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

CONSTITUTIONAL AMENDMENT: CENTRAL CONTROL OF SECONDARY SCHOOLS

THAT, in order to facilitate the national educational policy and balanced higher educational standards throughout Kenya, this House urges the Government to consider the introduction of a Motion for amendment of the Constitution to enable central control and administration of all secondary schools.

COMMISSION OF INQUIRY: NURSING BOARD

THAT, in order to meet the urgent need for well-trained staff in hospitals and health centres, this House urges the Government to set up a special commission to inquire into the need for a Nursing Board to deal with the promotion of those nurses already trained, to enable them to take charge of more centres which should be opened for the purpose of training more nurses.

SECURITY MEASURES AGAINST SHIFTA

Mr. Khalif: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in view of the fact that the Shiftas persistently attack and kill important citizens in the North-Eastern Region and also harass the peaceful inhabitants of the Region, this House urges the Government to take security measures by employing new and better tactics to combat the Shifta.

REPEAL OF CLOSED DISTRICT ACT: MASAILAND

Mr. Okwanyo: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, because of the difficulties experienced by the South Nyanza people when tracking their stolen cattle into Masailand, this House urges the Government to consider repeal of the Closed District Act so that Masailand can be declared open as soon as possible.

Mr. Balala: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

PRICE CONTROL: WHOLESALE TRADE

THAT, in view of the recent price control imposed on certain essential commodities sold by retail traders in Nairobi, this House, seeing the urgent need to protect the weak retailers from oppression by the stronger wholesale traders, calls upon the Government to impose control on the prices of such commodities sold by the wholesale trade to the retailers.

INVESTIGATION INTO SOCIETIES' REGISTRATIONS

THAT this House calls upon the Government to institute an immediate and thorough investigation into the legality of the great number of registered social, educational, welfare, religious and political organizations in this country in order to cancel the registration of all such organizations which do not command the backing of the people, as required by law.

CO-OPERATIVE BANK OF KENYA

Mr. Onweri: Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT this House, being aware of the country's economic need and the keen interest taken in the banking system by our people, particularly those who have organized business, calls upon the Government to initiate a start and take a full part in a new bank to be known as the "Co-operative Bank of Kenya".

ORAL ANSWERS TO QUESTIONS

Question No. 97

KENYA ARMY REVOLT: CAUSE

Mr. Ngala asked the Minister of State, Prime Minister's Office, if the Minister would state:

- the real cause of the recent revolt in the Kenya Army;
- what steps Government had taken to settle the grievances of the soldiers; and
- what was the tribal breakdown of the soldiers dismissed and those imprisoned.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to reply:—

- The real causes have not been clearly established, but there is no evidence of outside instigation, or of political influences. I am convinced that there was no question of an uprising against the Government. It was unfortunate that the 15 per cent Independence pay increase was

[The Minister of State, Prime Minister's Office] followed almost immediately by the introduction of Graduated Poll Tax. There were grievances over pay and it is believed that the mutiny was caused by the apparently successful mutinies in Tanganyika and Uganda, which seemed to have won enormous increases in pay for the mutineers.

In a statement made on 24th January 1964, before the Lanet accident, the Prime Minister said:

"This Government has already put into effect plans for the rapid advancement of Kenyan officers in the Army. I can say now that we expect that most positions of high executive command will be taken over by Kenya officers during this year. I am aware that there may be certain anomalies in pay, allowances or conditions of service. I am already in touch with the Commanding Officers who will tell me of any suggestions by their soldiers and I am setting up a committee now to examine such suggestions. The committee will report to me by the 1st March. The Government will then put right any genuine grievances that there may be."

The committee has held two fruitful meetings but I am unable to anticipate the report they are due to make to the Prime Minister, or the action that the Government will take.

The tribal breakdown of the soldiers dismissed and those imprisoned, were as follows:

Tribe	Number
Kamba	25
Kikuyu	2
Embu	2
Luo	1
Kalenjin	4
Dorobo	18
Tugen	1
Rendille	1
Somali	1
Boran	4
Masai	3
Samburu	2
Turkana	9
Tende	2

Mr. Murgor: On a point of order. Is the Minister aware that the Tugen Tribe are Kalenjin and not separate from us?

The Speaker (Mr. Slade): Mr. Murgor, you must be well aware that that is not a point of

order. I hope you were present when you heard my Communication from the Chair on the subject of fraudulent points of order. I must now ask you to leave the Chamber.

(Mr. Murgor left the Chamber)

The Minister of State, Prime Minister's Office (Mr. Murumbi): I would like to make it clear that of the first figures I read out, no soldiers have yet been tried and so none have been imprisoned.

*The figures I am now giving are of those who have been dismissed.

Tribe	Number
Kamba	40
Kikuyu	5
Embu	2
Meru	2
Mbere	1
Ndia	1
Luo	1
Kalenjin	16
Marakwet	13
Tugen	9
Rendille	2
Somali	2
Boran	8
Masai	8
Samburu	13
Turkana	12
Taita	1
Tende	2

I would like to take the opportunity of emphasizing that only 9 per cent of Kenya's Army was implicated in the mutiny, and that the troops on active operations in the North-Eastern Region were completely untouched by it. We are very grateful to them and all the officers, Warrant Officers, N.C.O.s and soldiers who held to their oath of allegiance and remained loyal to the Government.

Mr. Ngala: Mr. Speaker, arising from the reply of the Minister, could he give an assurance that the causes, when established, will be made available to this House?

The Minister of State, Prime Minister's Office (Mr. Murumbi): It depends on what the nature of them are. Mr. Speaker, we will examine the report, and then see if we can release them to the public.

Mr. Ngala: Arising from the reply of the Minister, Sir, are the figures of dismissed soldiers not alarming to the Government, particularly as far as the loyalty of the army is concerned, and what appeal arrangements are made for the dismissed soldiers in case they have any case to make?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Army regulations are such that if a man is thought to be disloyal he is dismissed from the army and there is no appeal. In the case of those who are to be tried by court martial, I am afraid I cannot say anything until the case comes up.

Mr. ole Tips: Mr. Speaker, can the hon. Minister tell us whether a court of inquiry was held to establish them guilty or otherwise, or if it was arbitrary dismissal?

The Minister of State, Prime Minister's Office (Mr. Murumbi): The Government is satisfied that the Army authorities have made a thorough inquiry into the matter and their results are justified.

Mr. Agari: Mr. Speaker, Sir, can the Minister of the House of any extent of political interference from outside was involved in this mutiny, and if so what steps are being taken to avoid such occurrences?

The Minister of State, Prime Minister's Office (Mr. Murumbi): I have already answered that. Had there were none.

Mr. Ngala: In view of the absence of the causes which have actually promoted this, how is the Minister sure that there was nothing politically involved in this?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, we have been satisfied from the investigations carried out by Special Branch officers, and by the Army itself, that so far as we know there has been no political significance behind the mutiny.

Mr. Khalif: Arising from one of the Minister's replies, does he agree that the very bad treatment the British Military officers were giving the soldiers and the low pay they were receiving were reasons for the revolt?

The Minister of State, Prime Minister's Office (Mr. Murumbi): There is no evidence that the British Military officers have been disloyal or harsh to the soldiers.

Mr. Gichoya: Arising from the Minister's reply, Sir, would he agree that anyone who was actually involved in creating this situation can never be a good judge of the situation, so that the question of—

The Speaker (Mr. Slade): I think you have asked your question, Mr. Gichoya. Wait for the answer now.

The Minister of State, Prime Minister's Office (Mr. Murumbi): I do not really understand what the question is. Are we the judges or the accused?

The Speaker (Mr. Slade): All right, Mr. Gichoya, but not a speech. Explain very briefly.

Mr. Gichoya: Mr. Speaker, what I want to make clear to him is this: that the officers who are concerned, were the officers before and they are the officers up to this moment, yet they are the same people who say that things were not this way or that. That was my question.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, there are two circumstances involved here. There are some people who have been dismissed from the Army and they have been tried by independent officers and there are some to be tried by court martial and so I have not yet been tried by court martial and so I am afraid I cannot comment on it.

Mr. Anyieni: Mr. Speaker, will the Minister give an assurance to this House that an inquiry will be set up before the court martial is held?

The Speaker (Mr. Slade): We cannot go into the question of the court martial at all I am afraid.

Mr. Khasakhala: Mr. Speaker Sir, considering the number of those people who when trained in the Army were dismissed, what precaution is the Government taking to see that those people live peacefully in the country?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Those dismissed from the Army have been sent back to their homes and the district authorities have been informed of these people, of the particulars of their charges, and are keeping an eye on them.

Mr. Shikuku: Arising from the Minister's reply is the Government prepared to offer these people jobs as they earned their living by being in the Army, or are they just going to keep an eye on them? What is your plan?

The Minister of State, Prime Minister's Office (Mr. Murumbi): If these people have been dismissed there is no hope of them returning to Army life, but they can return to civilian life in whatever form they like.

Mr. Matano: Is the Minister aware that this was very serious, and what is the Government doing to make such a thing never happens again?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, the Government are taking every precaution to see that this never happens again.

Mr. J. M. Kariuki: Arising from the Minister's reply, will he tell us who are the independent officers and where they come from?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, I would like to have notice of that question, please.

Mr. ole Tipis: Mr. Speaker, Sir, could the Minister tell us—

Mr. Anyieni: On a point of order, we cannot hear what the Minister is saying.

The Speaker (Mr. Slade): Mr. Murumbi will you please speak up?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Yes, Sir.

The Speaker (Mr. Slade): Mr. Murumbi, you do speak very quietly, and I am afraid the acoustics of this Chamber are not good, and if you do not speak up, hon. Members behind you will never hear what you said.

Mr. ole Tipis: Mr. Speaker, Sir, would the Minister please try and speak as loud as I am speaking. The question is, Sir, could he give us the number of those soldiers involved who are awaiting trial by a general court martial and, secondly, could he give us the breakdown by tribe?

The Speaker (Mr. Slade): Order, order. There is no objection to the Minister giving the number of those awaiting trial if he feels like it, but it is outside the original question and a breakdown is even more outside the original question. I do not know if the Minister wishes to answer.

Mr. Balala: Can the Minister tell us whether the revolt in question caused any harm to the economy of the country?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, I am afraid I am not in the trade department, so I cannot tell.

Mr. Ngala: Mr. Speaker, Sir, arising from all the replies of the Minister, would the Minister not agree with me that the Government has acted unfairly in dismissing these soldiers before the causes are established?

The Minister of State, Prime Minister's Office (Mr. Murumbi): I think not.

The Speaker (Mr. Slade): If hon. Members are complaining that they cannot hear, Mr. Murumbi, they must give him a chance to be heard.

The Minister of State, Prime Minister's Office (Mr. Murumbi): I must say I disagree entirely

with the question of the hon. Member which implies a reflection against the Army officers. The Government has every confidence in them.

Question No. 115

AFRICANS WITH PROSPECTORS' LICENCES

Mr. Mbogoh asked the Minister for Natural Resources:—

(a) How many people were in possession of prospecting licences?

(b) What steps had the Ministry taken so far towards encouraging Africans to take an active part in prospecting?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, ninety-nine persons are in possession of prospecting licences. Of them, thirty-three are Africans. In order to assist Africans in obtaining sufficient knowledge to enable them to take a more active part in prospecting, the Government's Mines and Geological Department organizes "Prospectors' Courses". These courses are of three weeks' duration each, and in 1963 two such courses were run. To date, one such course has been run during 1964, and others are envisaged during the year. In addition, Mr. Speaker, Sir, in 1962 the Government published Bulletin No. 5, "Prospecting for Minerals". This publication gives information concerning the mining laws of Kenya, elementary geology and prospecting methods. It is intended as a handbook to assist the untrained or inexperienced prospectors, particularly Africans.

Mr. Mbogoh: Mr. Speaker, Sir, arising from the reply, after the three-week course, does the Minister give the persons who have trained any help so that they can continue in their prospecting?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, I think I have answered that question. The knowledge they gained would help them.

Mr. Jahazi: Mr. Speaker, will the Minister tell the House how many of these ninety-nine people have struck anything, say gold or silver or anything, since they were trained?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, if they found anything we would know it immediately.

Mr. Gichoya: Mr. Speaker, Sir, could we know from the Minister what is the needed basic academic knowledge for somebody to be recruited for training as one of the prospectors?

The Minister for Natural Resources (Mr. Sagini): I do not think that is a fair question, Mr. Speaker, but I will try to help. Very often, if these people were to find some gold or mineral, it would be of any standard, but I think unless you have the basic knowledge it would be useless. Any intelligent person who has some practical science is suitable.

Mr. ole Tipis: Mr. Speaker, Sir, can the hon. Minister please give us—out of the ninety-nine prospecting licences granted—a break-down by regions?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, I do not believe in regions very much, but if the Member wants the details he can come to my Ministry and I will give them.

Mr. Mbogoh: Arising from the Minister's vague answer, does he agree with me when I say that we have a great deal of untapped wealth in Kenya which his Ministry should deal with but which it has ignored so far?

Mr. Ngala: On a point of order, is the Minister in order, when a question is asked relating to regions, to stand up and express his political opinion and not answer the question?

The Speaker (Mr. Slade): Yes, a Minister can answer a question how he likes. The point of question and answer is, first of all, Members want to know. They seek information. Secondly, it is to put Ministers to test. If they do not answer in a way that satisfies the Members, they are not surviving the test, and it is for Members to judge.

Mr. ole Tipis: On a point of order, Mr. Speaker, I am really seeking your guidance on this one. If the hon. Minister does not believe in regions, could he give us the breakdown by localities?

The Speaker (Mr. Slade): No, you cannot bring this in as a point of order now, Mr. Tipis. Another question was interrupted by this point of order.

Mr. Mbogoh, you can now resume your question.

Mr. Mbogoh: Arising from the Minister's vague answer, Mr. Speaker, will he agree with me when I say that there are many minerals in this country which are untouched?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, if we had the money we would employ scientists to look for them.

Mr. Masinde: Mr. Speaker, Sir, arising from one of the Minister's replies, could he tell the

House—out of the ninety-nine prospecting licences—where these licences are allocated according to the districts we have?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, I think I said that I am a person who is interested in all the citizens of Kenya. I do not care who they are, where they have been, or what colour they are, brown or blue. The thing is that I am interested in the citizens as I have said, but if he wants the detailed breakdown, I invite him to come to my Ministry and I will be willing to delve into the documents and get the tribes.

Mr. ole Tipis: Mr. Speaker, Sir, could the hon. Minister tell us the places of issue for these prospecting licences?

The Minister for Natural Resources (Mr. Speaker, Sir, he was a Minister himself and he knows the headquarters are in Nairobi.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies, is the Minister aware that we are entitled to correct answers from the Government, and could he make the information available in relation to the breakdown according to districts as to where these places are?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, could you give us guidance, Mr. Speaker, whether a Minister is not entitled to say that the information is available and that the Member can come for it at the Ministry, or that it could be conveyed to the Member in writing or by personal—

The Speaker (Mr. Slade): Order, order. Hon. Members will hear a point of order in silence, please.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Or by personal detachment to the Minister. Is that not in order?

The Speaker (Mr. Slade): That is completely in order, particularly when the original question does not suggest any breakdown at all.

Question No. 2

"GENERAL CHINA'S" COURSE IN ISRAEL

Mr. Kiprotich asked the Minister of State, Prime Minister's Office, whether (a) the Minister would tell the House what the arrangements were for sending "General China" to Israel and what courses he was taking there, and (b) whether he was completely satisfied, in spite of the Prime Minister's official denial, that "General China's" claim to be the future Commander of the Kenya Army was without foundation?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, the answer to (a) is none, and the answer to (b) is yes.

Mr. Kiprotich: Mr. Speaker, Sir, why has this question been delayed up to this minute?

The Speaker (Mr. Slade): That is a perfectly good question. Perhaps Mr. Murumbi would like to answer it.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, I do not know why it has been delayed. I have just had it.

Mr. Khalif: Arising from the Minister's reply, could the Minister tell this House where "General China" is at the moment?

The Minister of State, Prime Minister's Office (Mr. Murumbi): "General China" is, at the moment, in Lanet. He is a cadet undergoing training.

Mr. Ngala: Arising from one of the replies by the Minister, does the Government delay these answers for nothing?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, the Government has not delayed the answer. I have just had the brief today and I am answering it.

Mr. ole Tipsi: Mr. Speaker, Sir, how does the hon. Minister reconcile his answer to (b) that "General China" is undergoing training at Lanet, sponsored and paid for by Government, and, at the same time, claims to be the future Commander of the Kenya Army?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Anybody, even you, can claim to be the Commander of the future Kenya Army. It does not mean that the Government accepts that.

Mr. Shikuku: Is it in order for the hon. Minister, after he has been told to speak loudly, to continue speaking in such a way that we do not understand him? I have not heard the reply he has given.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, my reply was that the hon. questioner could himself claim to be the leader of the Kenya Army, but that does not necessarily mean to say that it is true.

The Speaker (Mr. Slade): Mr. Murumbi, I must ask you again to speak up. Sometimes you turn away before you have finished speaking. It is very hard for me and for the hon. Members.

Mr. Ngala: Arising from one of the replies, can the Minister give us an assurance that "General China" will be subjected to the normal process of promotion, or is his promotion to be especially accelerated?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, "General China" is a skilled man and he is a cadet at Lanet and will go through the normal process as any other cadet, and his promotion will not be accelerated.

Mr. Mutiso: Mr. Speaker, Sir, is the Minister aware that the age at which men are recruited into the Army is under the age of "General China" at the moment?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Not necessarily, Sir.

Mr. Shikuku: Arising from the Minister's reply, could he therefore tell the House, in view of the fact that "General China" was one of those freedom fighters and there were many other generals, whether these other generals will be offered the same opportunity in the Army?

The Speaker (Mr. Slade): No, Mr. Shikuku.

Mr. ole Tipsi: Mr. Speaker, Sir, arising from one of the Minister's replies to question (b), the claim by "General China" is unfounded, how does he reconcile that with the fact that they took him for training as one of the cadet officers?

The Speaker (Mr. Slade): I think the Minister has answered that question, and I do not think you can ask the question again, even if you do not like the answer.

Mr. Godana: Mr. Speaker, can the Minister tell us how old "General China" is now, and also what are his qualifications?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I do not know his age, but if you like to put another question to me I will answer that. He has been selected in the normal manner in which other cadets have been selected.

Mr. Seroney: On a point of order, why does not the Minister put the loudspeaker here so that he can speak directly into it?

The Speaker (Mr. Slade): If we move the loudspeaker, as you call it, it will not help any hon. Members to hear him, it only helps HANSARD. It is very important that everyone hears the Minister, so he will have to speak up.

Mr. Kiprotich: Mr. Speaker, I should like to know from the Minister what course "General China" was taking in Israel?

The Minister of State, Prime Minister's Office (Mr. Murumbi): It does not concern the Government whatsoever.

Mr. ole Tipsi: Mr. Speaker, the hon. Minister in answer did say that they are taken on their qualifications. Can he tell us what these qualifications are?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, I would like to have notice of that because the original question does not have that question.

Mr. Omar: Mr. Speaker, Sir, could the Minister tell the House whether the air fare to Israel for "General China" was paid by the Government or paid by himself, and who was responsible for all his expenses in Israel?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, that is of no concern to the Government whatever. He can pay his own fares and go wherever he likes.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies by the Minister, is it not the concern of this Government to know what our citizens are doing when they go overseas?

The Minister of State, Prime Minister's Office (Mr. Murumbi): This is a free democratic country. Anybody can go wherever he likes and do what ever he likes without having to account to any individual.

Question No. 4

EMERGENCY VICTIMS' ORGANIZATION

Mr. Ngala-Abok asked the Minister for Home Affairs if the Minister could inform the House whether the Government had any plans to establish an organization, both at Central and Regional levels, which would care for all Emergency victims throughout the country.

The Speaker (Mr. Slade): Mr. Odinga, there is a clerical error here.

The Minister for Home Affairs (Mr. Odinga): I am glad there is an explanation as to why the question was not replied to earlier, because it is addressed to the wrong Ministry. Mr. Speaker, Sir, I beg to reply. I hope the hon. Member will appreciate that it is undesirable to establish a separate organization to deal with Emergency victims only. The Government are faced with the problem of the needy in general and are attempting to deal with this in various ways. Provisions of further employment, National Youth Service,

exemption from Personal Tax and assistance with hospital and school fees where necessary, are some of the ways in which the Government are dealing with this problem. I hope the hon. Member approves the efforts the Government is making.

Mr. ole Tipsi: On a point of order, Mr. Speaker, do we understand from the Minister's reply that if the question is addressed to the wrong Ministry then the collective responsibility is null and void, that they cannot transfer it to the appropriate Ministry?

The Speaker (Mr. Slade): No, I have explained before now that when a question goes to the wrong Ministry it is the responsibility of that Ministry to pass it to the right one, but it can account for some unusual delay, and that is what the Minister was saying.

Mr. Nuala-Abok: Mr. Speaker, Sir, while I agree in part with the reply from the Minister, would the Minister assure us that the needy people I do not want to make this long, Mr. Speaker, disabled people, and people who were widowed or disabled during the Emergency, are going to be given priority in these programmes so that we do not hear any question of a person saying that he was a victim during the emergency?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I can assure the hon. Member that the Government is aware of all the cases, and each case, on its own merit, receives the attention of the Government.

Mr. Ngala: Mr. Speaker, arising from one of the Minister's replies, would the Minister give a clear assurance that emergency victims will not get preference over any other victims, or any other needy person?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I can assure the hon. Member that the Government deals with all cases, as I have indicated. Each case will receive attention on its own merit.

The Speaker (Mr. Slade): It does not seem as if we can make much useful progress with this question.

Before going on to the next, I would like to put on record that the clerical error which I referred to was merely on the Order Paper, and that this question did in fact go to the right Ministry in the first instance.

Mr. Ngala: On a point of order, will the Minister then withdraw his statement?

The Speaker (Mr. Slade): It is wrong anyhow.

MEMBERS' CONFERENCE
ON THE DELEGATES

Mr. Ngalu Abok: My Minister of State, I am in the Minister's court. We have suitable arrangements for the Minister and his delegation to pass through the Kenya delegate were leaving on 20th October 1962 of the Government's constructional Committee. It is a very difficult thing.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, I can not answer the Member's question.

Mr. Ngalu Abok: My Minister, I have been hearing that the Minister said that he would not answer my question. I am sure that the Minister will answer my question.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, I am not sure that I can answer the Member's question.

Mr. Balala: My Speaker, does the Minister mean that on certain occasions he does not answer questions?

The Minister of State, Prime Minister's Office (Mr. Murumbi): My Speaker, I am answering the Member's question on 20th October and I am sure that he will be happy.

Mr. Khalif: My Speaker, I am coming from the area where the Member's question was asked. I am sure that the Member will answer my question.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, the hon. Member was not in this House, and I do not think he was in Nairobi on that occasion.

The Speaker (Mr. Slade): Order, order, that does not take away his right to ask a question. He is not only interested in his own home.

Mr. Rosalin: Mr. Speaker, Sir, if the Minister is not aware of hon. Members who were not treated nicely on certain occasions, would he assure this House that Members of Parliament will be treated fairly at future times?

The Minister of State, Prime Minister's Office (Mr. Murumbi): That is a very ambiguous question. Members of Parliament are just like anybody else. They are like citizens and have no special privileges. If they are going to expect privileges wherever they go, I am afraid they are mistaken.

Mr. Khalif: On a point of order, Mr. Speaker, will the Minister answer my question, instead of saying I was not in Nairobi then?

The Speaker (Mr. Slade): That is not a point of order, but you are too new in the House to realize that. If he likes to pose your question to you as a joke, it means he is not going to answer it, you can remain annoyed. Alternatively, when you catch my eye you can ask it again, but you must do so now.

Mr. Ngalu: On a point of order, will the Minister answer the question from the hon. Mr. Khalif, instead of just avoiding it?

The Speaker (Mr. Slade): You do not need a point of order. Now, let us ask the Minister questions.

Mr. Ngalu: Arising from the reply of the Minister, could the Minister answer the question put by Mr. Khalif instead of?

Mr. Tamui: On a point of order, I am seeking your guidance as to what the Minister said when he referred to us as an ordinary people when we possess the title "honourable" in the order to say that we shall be treated equal to other people.

The Speaker (Mr. Slade): Order, order, will you sit down? The Minister is quite in order in saying what he said, whether or not you like it. Mr. Ngalu will now continue his question.

Mr. Ngalu: Arising from one of the replies to the Minister, will the Minister reply to the question asked by the hon. Mr. Khalif instead of cunningly avoiding it?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, I have answered that question. I do not see why the hon. Member should speak for Mr. Khalif.

Mr. Seroney: On a point of order, is it not wrong for hon. Members to mislead the House by suggesting that the delegation from London came on the 20th October when in fact they did not do so?

The Speaker (Mr. Slade): Order, order. Mr. Seroney, you have been a Member of this House for quite a long time, and you know that you cannot correct Members in their facts as a point of order. You may or may not have heard my Communication from the Chair last Friday, but you should have received a copy of it since. You have obviously ignored what I had to say. You will leave the Chamber for the rest of the day.

(Mr. Seroney left the Chamber)

Order, order. I hope hon. Members will not often think it is funny when I have to send a Member out of the Chamber. It is a regrettable incident in most cases.

Mr. Ngalu-Abok: Arising from the Minister's reply that Members have no privileges, why do the police have to be put to the task of issuing cards of various types to Members for car passes at the gates? Does that not mean a privilege to start with not accorded to the ordinary man?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, that is purely a facility not a privilege.

Mr. Bahazi: Is the Minister aware, Mr. Speaker, that on this particular day, whether it is the correct day or not, Members were issued with a special parking facility, a card and pass to take them inside the aerodrome, which means that Members, on that particular day, had a special privilege and facility and they were not ordinary people but special people. Can we know from the Minister why, after doing all that and giving them such privileges, they were not given the facilities demanded for this Motion?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I would say that I was responsible for the arrangements made on that day. There were no facilities offered to Members of Parliament.

Hon. Members: There were.

The Minister of State, Prime Minister's Office (Mr. Murumbi): There were no facilities. The car park outside the airport, that little enclosure, was only for Ministers and not Members of Parliament. Through some fault of a police officer who did not obey the instructions, the Ministers were delayed.

Mr. Kiprotich: Mr. Speaker, will the Minister tell the House today, that we being ordinary Members, and ordinary Members being ordinary people, will he tell us that we are not allowed to go to the airport at any time, or to go to any party?

The Speaker (Mr. Slade): I do not think that arises.

Question No. 24

COTTON AND RICE-GROWING, NYANZA GOVERNMENT ASSISTANCE

Mr. Agar asked the Minister for Agriculture and Animal Husbandry what steps the Government was taking to assist cotton and rice-growers in Nyanza Region, particularly in the areas along the lake shore.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply:—

(a) Cotton-growers—The Cotton Lint and Seed Marketing Board helps cotton-growers with free issues of cotton seed for planting. Last year's issue was approximately 1,275 tons, valued at £20 per ton, totalling £25,500. The growers are also assisted with seed dressing, spraying and dusting of cotton plants against cotton pests, which costs £8,400. Grants have been made to the county councils concerned by this Board. Cotton co-operatives are also being assisted in training their employees. Consideration is also given to the use of Board funds to support loans to co-operative societies to purchase cotton-growing stores from the ginners and for investment in cotton ginners, with a view to creating an opening for increased participation by growers in the industry.

(b) Rice-growers—Although research work has been going on at Kano Irrigation Station into the varieties of rice that could be suitably grown round the lake shores, the results of this work could not be put into operation due to extensive flooding of all the potential rice-growing areas.

Mr. Agar: Mr. Speaker, Sir, could the hon. Parliamentary Secretary state whether there is any assistance which can help the farmers to increase their acreage?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, I have already said that money is available to co-operative societies which are the actual farmers who plant cotton, and money is available for them to increase their acreage.

Mr. Muiro: Arising from the Parliamentary Secretary's reply, are these facilities also being extended to the Western Region?

Question No. 16

AIRPORT ARRANGEMENTS: CONFERENCE RETURNING DELEGATES

Mr. Ngala-Abok asked the Minister of State, Prime Minister's Office if the Minister could explain to the House why suitable arrangements were not made for the Ministers and Members of Parliament to pass through the crowd when the Kenya delegates were leaving the airport on 20th October, 1963, on their return from the London Constitutional Conference and so avoid the difficulties they experienced.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I am not aware of the difficulties which Members of Parliament and Ministers experienced on that particular occasion.

Mr. Ngala-Abok: Mr. Speaker, Sir, this needs a bit of explanation, because if the Minister says that he is not aware of this, it must mean that he does not understand the question. I wish to ask this question. When the delegates returned from the conference there was no arrangement for Members to pass through and, consequently, only the Prime Minister was able to get through and some of the Ministers landed at Eastleigh and other parts of the City and were held up by heavy traffic.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, if the drivers took the Ministers to the wrong places, that is their affair.

Mr. Balala: Mr. Speaker, Sir, does the Minister agree or is he aware that on similar occasions Members of Parliament were not treated fairly?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, I am answering a question on an incident on the 20th October and I do not know what similar occasions he means.

Mr. Khalif: Mr. Speaker, Sir, arising from one of the answers of the Minister, he said that he is not aware of the difficulties which Members of Parliament and Ministers have experienced. Is he not aware of these difficulties because he did not investigate them?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, the hon. Member was not in this House, and I do not think he was in Nairobi on that occasion.

The Speaker (Mr. Slade): Order, order, that does not take away his right to ask a question. He is not only interested in himself, I hope.

Mr. Balala: Mr. Speaker, Sir, if the Minister is not aware of hon. Members who were not treated nicely on certain occasions, would he assure this House that Members of Parliament will be treated fairly at future times?

The Minister of State, Prime Minister's Office (Mr. Murumbi): That is a very ambiguous question. Members of Parliament are just like anybody else. They are like citizens and have no special privileges. If they are going to expect privileges wherever they go, I am afraid they are mistaken.

Mr. Khalif: On a point of order, Mr. Speaker, will the Minister answer my question, instead of saying I was not in Nairobi then?

The Speaker (Mr. Slade): That is not a point of order, but you are too new in the House to realize that. If he likes to pass your question by as a joke, it means he is not going to answer and you can remain annoyed. Alternatively, when you catch my eye you can ask it again, but you cannot do so yet.

Mr. Ngala: On a point of order, will the hon. Minister answer the question from the hon. Mr. Khalif, instead of just avoiding it?

The Speaker (Mr. Slade): You do not mean a point of order. You are asking the Minister a question.

Mr. Ngala: Arising from the reply of the Minister, could the Minister answer the question put by Mr. Khalif instead of—

Mr. Tanui: On a point of order, I am really seeking your guidance as to what the Minister said when he referred to us as any ordinary people when we possess the title "honourable". Is it in order to say that we shall be treated equal to other people?

The Speaker (Mr. Slade): Order, order, will you sit down. The Minister is quite in order in saying what he said, whether or not you like it. Mr. Ngala will now continue his question.

Mr. Ngala: Arising from one of the replies by the Minister, will the Minister reply to the question asked by the hon. Mr. Khalif instead of cunningly avoiding it?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, I have answered that question. I do not see why the hon. Member should speak for Mr. Khalif.

Mr. Seroney: On a point of order, is it not wrong for hon. Members to mislead the House by suggesting that the delegation from London came on the 20th October when in fact they did not do so?

The Speaker (Mr. Slade): I do not think that arises.

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(a) Cotton-growers—The Cotton Lint and Seed Marketing Board helps cotton-growers with free issues of cotton seed for planting. Last year's issue was approximately 1,275 tons, valued at £20 per ton, totalling £25,500. The growers are also assisted with seed dressing, spraying and dusting of cotton plants against cotton pests, which costs £8,400. Grants have been made to the county councils concerned by this Board. Cotton co-operatives are also being assisted in training their employees. Consideration is also given to the use of Board funds to support loans to co-operative societies to purchase cotton-growing stores from the ginners and for investment in cotton ginners, with a view to creating an opening for increased participation by growers in the industry.

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Mr. Agar: Mr. Speaker, Sir, could the hon. Parliamentary Secretary state whether there is any assistance which can help the farmers to increase their acreage?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, I have already said that money is available to co-operative societies which are the actual farmers who plant cotton, and money is available for them to increase their acreage.

Mr. Muliro: Arising from the Parliamentary Secretary's reply, are these facilities also being extended to the Western Region?

The Speaker (Mr. Slade): Order, order, Mr. Seroney, you have been a Member of this House for quite a long time, and you know that you cannot correct Members in their facts as a point of order. You may or may not have heard my communication from the Chair last Friday, but you should have received a copy of it since. You have obviously ignored what I had to say. You will leave the Chamber for the rest of the day.

(Mr. Seroney left the Chamber)

Order, order. I hope hon. Members will not often think it is funny when I have to send a Member out of the Chamber. It is a regrettable incident in most cases.

Mr. Ngala-Abok: Arising from the Minister's reply that Members have no privileges, why do the police have to be put to the task of issuing cards of various types to Members for car passage at the gates? Does that not mean a privilege to start with, not accorded to the ordinary man?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, that is purely a facility, not a privilege.

Mr. Jahazi: Is the Minister aware, Mr. Speaker, that on this particular day, whether it is the correct day or not, Members were issued with a special parking facility, a card and pass to take them inside the aerodrome, which means that Members, on that particular day, had a special privilege and facility and they were not ordinary people but special people. Can we know from the Minister why, after doing all that and giving them such privileges, they were not given the facilities demanded for this Motion?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I would say that I was responsible for the arrangements made on that day. There were no facilities offered to Members of Parliament.

Hon. Members: There were.

The Minister of State, Prime Minister's Office (Mr. Murumbi): There were no facilities. The car park outside the airport, that little enclosure, was only for Ministers and not Members of Parliament. Through some fault of a police officer who did not obey the instructions, the Ministers were delayed.

Mr. Kiprotich: Mr. Speaker, will the Minister tell the House today, that we being ordinary Members, and ordinary Members being ordinary people, will he tell us that we are not allowed to go to the airport at any time, or to go to any party?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): The question concerned Nyanza Region and having spoken to the hon. questioner he put it including the Western Region and this applies to the Western Region cotton-growing areas.

The Speaker (Mr. Slade): Other supplementaries must relate to Nyanza Region.

Mr. Bala: Arising from the Parliamentary Secretary's reply, could the Parliamentary Secretary state what arrangements they are making to drain land in the rice areas?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, no arrangements are being made, because some of these flooded areas are caused by the rise of Lake Victoria which was caused by the rains in 1961. At this stage, no arrangements are being made to drain these flooded areas.

Mr. Agar: Mr. Speaker, could the Parliamentary Secretary inform the House how this money is channelled, and how the Government can ensure it reaches them?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, the co-operative societies organize themselves and buy shares, and the Cotton Board considers lending them a certain amount. I assure the hon. Members in this House that the plan for next year's season, not this year's, is that the co-operative society will apply for financial help to buy implements; those are cotton co-operative societies to buy agricultural implements to help them in ploughing the cotton *shambas*. They must, however, have their own funds first, contributed as co-operatives. Then the Board will consider lending them some money to buy agricultural implements.

Mr. Oduya: Will the Deputy Minister assure me how much money has been lent and how much of this is going to the Teso rice and cotton growers?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, I did not follow the question of the hon. Member, but I will correct his first statement that I am not a Deputy Minister, I am a Parliamentary Secretary.

The Speaker (Mr. Slade): I did not hear it either. Will you ask it again, Mr. Oduya?

Mr. Oduya: He is not a Deputy Minister, he is a Parliamentary Secretary, and the question is how much have you allocated for this particular

scheme, and how much will go to the Teso rice and cotton growers? That is what I want to know, how much?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I did not say that we have allocated any money for a particular scheme, I do not know which scheme he is speaking about. There is no reference in the question to any scheme.

Question No. 26

PUBLIC HOSPITAL, SOUTH NYANZA

Mr. Agar asked the Minister for Health and Housing if he was aware that South Nyanza District had not even a single public hospital, and would the Minister tell the House why, up to now, the Government had not begun building such a hospital at Homa Bay for the district.

The Minister for Health and Housing (Dr. Munga): Mr. Speaker, Sir, I beg to reply. I would like to assure the hon. Member from Karachuonyo, and the other hon. Members from South Nyanza that it is a great concern of my Ministry that we should build a District Hospital in South Nyanza and that we give it the priority together with the District Hospital, Busa and Nyandarua, and I am aware that South Nyanza District does not have a public hospital. Previously, this district was jointly served by the Kisii District Hospital when both South Nyanza and Kisii were one district. However, when the new district was formed in 1957, my Ministry felt the need for providing a hospital for South Nyanza at Homa Bay. Plans to erect a hospital were made as long ago as 1961, but due to slender financial resources available, it has not yet proved possible to implement these plans. The project, however, has been given a high priority by my Ministry in its Development Estimates 1964-65, and it is hoped that if the necessary funds are forthcoming, the actual building operations will be started towards the end of this year or early next year.

Mr. Ngala-Abok: Mr. Speaker, Sir, what is the Ministry doing to see that this is coming and not just assuming that it will come?

The Minister for Health and Housing (Dr. Munga): As I said before, we have put it in our Estimates.

Mr. Masinde: Mr. Speaker, Sir, will the Minister not see fit to raise these funds by loan so that we get hospitals quickly.

The Minister for Health and Housing (Dr. Munga): The Government raises loans for the Ministries. The individual Minister does not go out to raise loans.

Question No. 33

AFRICAN DOCTORS: OVERSEAS QUALIFICATIONS, LICENCES AND POSITIONS

Mr. Khasakhala asked the Minister for Health and Housing:—

(a) How many African doctors in Kenya had overseas qualifications?

(b) How many of those were licensed to practice (i) medicine, (ii) surgery, (iii) other specialized branches?

How many of those (i) held Government posts, (ii) were in private practice?

The Minister for Health and Housing (Dr. Munga): Mr. Speaker, Sir, I beg to reply. There are forty-three registered Kenya African doctors. All those doctors have overseas qualifications in so far as those who have obtained their medical qualifications at Makerere College, are recognized by the University of London. If, however, the hon. Member for Emukhaya means in his question those African doctors who have specifically studied outside Kenya or who have proceeded overseas after their initial study at Makerere, then there are nineteen doctors. (b) All of the doctors are qualified to take medicine and surgery. No licence is required other than the normal registration for specialists granted. There are three doctors with specialist qualifications. There are eight African doctors in private practice. The rest are in Government service. Of the eight, five have specifically obtained their qualifications overseas.

Question No. 35

LOANS TO FARMERS, WESTERN REGION

Mr. Khasakhala asked the Minister for Agriculture and Animal Husbandry:

(a) How many farmers in the Western Region had received loans from the Ministry and for what purpose?

(b) In view of the fact that there was a surplus of bananas grown in the Western Region, particularly at Bunyore and Maragoli, would he tell the House what immediate steps the Government was taking to find an adequate market for this fruit?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, this question has taken a considerable amount of research for us to acquire. It has cost Government a lot of money to get this research. It is a very lengthy reply, and I have therefore handed it in as a written reply to the Clerk of the Council of the Council this morning.

The Speaker (Mr. Slade): I want to inform hon. Members that that procedure is quite in order. In fact, by a circular not so long ago, I did encourage Ministers, when they found their reply had to be of very great length, to put it in by way of a written reply, in spite of the question having asked for an oral reply, because it is quite possible for the House to follow a very lengthy detailed reply given by word of mouth.

Mr. Khasakhala: Mr. Speaker, can I have your guidance, if a written reply is given to me, how can we ask any supplementary questions?

The Speaker (Mr. Slade): It is published in HANSARD, and you can read it there, and you can bring it up again indirectly by some ingenious further question.

Mr. Khasakhala: Will the Minister ensure that in future written replies will always be circulated to hon. Members before the time for answering, so that if necessary we can ask supplementary questions?

The Speaker (Mr. Slade): No, it does not work like that. If a written reply is given to a question for oral reply, or a question for written reply for that matter, the question does not normally appear on the Order Paper at all. This is a rather unusual procedure today where the question has been forced on the Order Paper rather suddenly, and the Minister says he has given a written reply. The only way that hon. Members can ask supplementary questions in respect of a written reply is by asking another question altogether after they have seen the reply in the published HANSARD. They cannot actually ask the same question even then, but they can devise questions which are not out of order which will give them what they want.

Mr. Gaehago: In that case, Mr. Speaker, would such supplementary questions arising from the main question be necessary to be written? Would the Members be necessitated to write them, or would there be the time to ask them in the House?

The Speaker (Mr. Slade): They are not actually supplementary questions at all, but the written reply gives a foundation for a new question, which may correctly seek an oral reply and be dealt with

[The Speaker]

in the ordinary way. Probably, though long in origin, the written reply gives rise to a further question on a particular point, and then there are suitable questions for oral replies and they will be dealt with as such, and there will be no excuse for a written reply. That further question comes in the Order Paper and can be followed by supplementaries.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, may I with your permission give the reason why this is a written reply, because I think it may help the House.

The Speaker (Mr. Slade): I think you can. But not a great length.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): There are a great number of figures in this with a large amount of money which would have been impossible for anybody in this House to follow. The question is such a broad question running into a long answer numbering, very nearly 300 words which have been given.

The Speaker (Mr. Slade): As I say, I think that is a proper case for a written reply.

Mr. Balala: I seek your guidance. The hon. Minister has stated that research on this question has cost a large sum of money, some money is incurred in the research of this question. I do not know if it is permissible to ask a question on the money incurred in getting this question.

The Speaker (Mr. Slade): I do not think it is relevant, the money incurred in getting the answer to this question, and one irrelevance does not justify another.

Mr. Jabazi: On a point of order, Mr. Speaker.

The Speaker (Mr. Slade): Then be careful.

Mr. Jabazi: What would happen, Mr. Speaker, if Ministers, some of them being afraid of being put on the carpet here, indulge in replying in the way of writing instead of answering here? What would happen then?

The Speaker (Mr. Slade): It's the same really as what happens when Ministers give unsatisfactory replies in this Chamber. If a Minister given a written reply, when it is obvious that an oral reply was suitable and easy, he will arouse the wrath of this House, and no Minister can afford to do that too often.

Mr. Mbogoh: What I would like to know, Mr. Speaker, is suppose I wanted my question replied

to in writing and also orally here. Could we have something that we can signify that we want it that way?

The Speaker (Mr. Slade): Any hon. Member when putting in his question signifies whether he wants an oral reply or a written reply, but he cannot have both.

Mr. Tanui: I would like to have your guidance on this Mr. Speaker. Suppose I send my question and I want a reply, and then I am given it in writing, and then I send it in again, because I am seeking an oral reply, and all the time the Minister replies in writing, what steps shall I take?

The Speaker (Mr. Slade): I should wait until the occasion arises. Order, order. We cannot discuss the matter any further today.

NOTION ON THE ADJOURNMENT DEFERMENT

SECURITY AGAINST SHIFTA: TANA RIVER AND LAKU

The Speaker (Mr. Slade): I have to inform hon. Members concerning matters to be raised on the adjournment. Yesterday I gave notice that I had appointed this afternoon for Mr. Kase to raise on the adjournment, the matter concerning *Shifta* in the Tana and Lamu neighbourhood. Since then I have received a request from Mr. Murumbi to allow him another day to let him deal with this matter more fully and properly. I have agreed to the matter being left over until tomorrow. I think it is in the best interest of Members that the matter is raised, but unfortunately it does mean we have lost the second opportunity for a matter to be raised on adjournment this week, because time is too short now for any other matter to be raised on the adjournment today, and I have to apologize to the House for what is largely my fault, in that I did not warn Mr. Murumbi's Ministry sufficiently early that this matter was to be raised by Mr. Kase. So I apologize to those who will be deprived of an opportunity of another discussion on adjournment this week.

BILL

Consideration of Report and Third Reading

THE HOSPITAL TREATMENT RELIEF (ASIAN AND ARAB) (AMENDMENT) BILL

The Minister for Health and Housing (Dr. Munga): Mr. Speaker, Sir, the Hospital Treatment Relief (Asian and Arab) (Amendment) Bill was approved by a Committee of the whole House in the first instance, and on being recommitted to the said Committee in regard to clauses 4 and 7,

[The Minister for Health and Housing]

it was approved. I beg to move that this House doth agree with the Committee in the said Report.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek) seconded.

(Question proposed)

(The question was put and carried)

The Minister for Health and Housing (Dr. Munga): Mr. Speaker, Sir, I beg to move that the Hospital Treatment Relief (Asian and Arab) Amendment Bill be now read a Third Time.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek) seconded.

(Question proposed)

(The question was put and carried)

The Bill was accordingly read the Third Time and passed)

Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

The Speaker (Mr. Slade) left the Chair

IN THE COMMITTEE

The Deputy Chairman (Mr. Slade) took the Chair

THE KENYA MILITARY FORCES (AMENDMENT) BILL
(Clauses 2, 3 and 4 agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE CUSTOMS TARIFF (AMENDMENT) BILL
(Clauses 2 and 3 agreed to)

First Schedule

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Chairman, I would like to seek your guidance here. Am I to speak on all amendments or each item as it comes along?

The Deputy Chairman (Mr. Slade): I think it is better to deal with each item separately.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Chairman, I beg to move that in item No. 42 there be inserted immediately before the word "meshes" which appears in paragraph (a) in the word "stretched". This is merely a technical point. I am advised that nets are measured by the stretched width of the mesh, and that to be strictly correct we should insert that word there.

(Question of the amendment proposed)

The question that the word to be inserted be inserted was put and carried)

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Chairman, the intention is simple: as I said in my speech yesterday, we want to protect a local industry which has been started, the Uganda Steel Corporation. It produces certain kinds of steel rods and bars which are going to be used or are now used in East Africa. At the same time, there are certain kinds of these products which this industry is not at the moment able to produce, and therefore we are requesting the House to allow us to have a suspended duty on those items, which are not now being produced, so that these duties will become applicable immediately the Uganda Steel Corporation is in a position to produce them locally. In the meantime, of course, they will remain duty free, but we would like to have a suspended duty on them. With regard to the actual duty on those products which the Steel Corporation is now producing, I do not want to add anything further to what I said yesterday. We want to encourage them because they use local raw material which encourages employment and it is very much in line with Government policy.

Therefore, Mr. Chairman, I beg to move the following amendment

Item	Article	Import Duty	Suspended Duty
Delete (i) and (ii) and insert in place thereof the following:			
(i) Delete paragraph (i) and substitute therefor the new paragraph following—			
(c) Banding and hoopings for the baling of produce and fasteners therefor:		Free	17½% ad valorem
(i) baling and hoopings strip.		Free	
(ii) fasteners		Free	
(ii) Add immediately after the word "metal" which appears in paragraph (g) the letters "mesh."			
(iii) Insert immediately after paragraph (m) the new paragraph following:—			
(n) Mild steel strips, bars, rods and angles, including steel sections imported for the manufacture of windows and doors—			
(i) round bars and rods for concrete reinforcing 1" to 1½" in diameter		17½% ad valorem	
(ii) round bars and rods for concrete reinforcing 2" to 1½" in diameter.		Free	17½% ad valorem
(iii) bars of square cross section of thicknesses 1" to 1½"		Free	17½% ad valorem
(iii) angles of a side width from 1" by 1" to 2½" by 2½"		Free	17½% ad valorem
(iv) flats or strips of width ½" to 4½" and not exceeding ½" in thickness.		Free	17½% ad valorem

(Question of the amendment proposed)
(The question that the words to be left out was put and carried)

(The question that the words to be inserted be inserted be inserted was put and carried)

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Chairman, I would like to amend Item No. 58A. There is a point I would like to answer. Yesterday, one hon. Member said that the Government is not doing enough to protect another local industry which uses this kind of sheet for the manufacture of certain products. I suppose he was referring to the metal drum industry. He was wrong, he could not have read these amendments, because the intention here is to split up the different uses, and, in fact, to give a measure of protection to the users of these sheets which are the raw material for that sort of work. Again, there is this tariff here which gives a bias in favour of the use of the thicker sheets, particularly for the purpose of roofing of houses. Many hon. Members will know this. There have been complaints from the consumers that the importers are bringing in very thin sheets, which are not too good for use as roofing.

I do not want to add any more to what I said yesterday, and I beg to move the following amendment.

58A. To vary all the words including and following

(a) corrugated and insert in place thereof the following—

(a) corrugated—	
(i) of a thickness of 0.14 inches or less	Per sq. ft. cents 10 (or 25% ad valorem whichever is the greater)
(ii) of a thickness exceeding 0.14 inches	Per sq. ft. cents 10
(b) flat, galvanised, including strip in coils—	
(i) of a thickness of 0.14 inches or less	Per sq. ft. cents 8 (or 25% ad valorem whichever is the greater)
(ii) of a thickness exceeding 0.14 inches	Per sq. ft. cents 8
(c) flat, uncoated, including strip in coils—	
(i) of a thickness of 0.14 inches or less	Per sq. ft. cents 3 (or 25% ad valorem whichever is the greater)
(ii) of a thickness exceeding 0.14 inches	Free
(d) enamelled, printed, lithographed, embossed or lacquered.	25% ad valorem
(e) Other..	Free.

(Question of the amendment proposed)
(The question that the words proposed to be left out be left out was put and carried)

(The question that the words proposed to be inserted be inserted was put and carried)

(First Schedule as amended agreed to)

(Second Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Chairman, I beg to move that the Committee doth report to the House its consideration of the Kenya Military Force (Amendment) Bill and its approval thereof without amendment, and its consideration of the Customs Tariff (Amendment) Bill and its approval thereof with amendment.

(Question proposed)

(The question was put and carried)

(The House resumed)

(The Speaker (Mr. Slade) in the Chair)

BILLS

Reports and Third Reading

THE KENYA MILITARY FORCES (AMENDMENT) BILL

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Kenya Military Forces (Amendment) Bill and its approval thereof without amendment.

I therefore beg to move that the House doth agree with the Committee in the said Report.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

(The question was put and carried)

The Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh): Mr. Speaker, Sir, I beg to move that the Kenya Military Forces (Amendment) Bill be now read the Third Time.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

(The question was put and carried)

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE CUSTOMS TARIFF (AMENDMENT) BILL

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Customs Tariff (Amendment) Bill and its approval thereof with amendment.

The Speaker (Mr. Slade): In view of the amendments, we shall take the Consideration of Report Stage another day.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Can we not take it now?

The Speaker (Mr. Slade): No, unless there is a very special reason we do not like to take the consideration of Report, when there has been an amendment, on the same day. You will be able to take it on Friday.

(Consideration of Report ordered for Tomorrow)

MOTION

KENYA NATIONAL FUNDS: CONTRIBUTIONS

The Speaker (Mr. Slade): Is Mr. Mwendwa not here?

An hon. Member: Resign.

The Speaker (Mr. Slade): I take it that no other Member has had this Motion committed to his care.

MOTION

PLANS FOR FARMING AND RANCHING ENTERPRISES

That this House requires the Government to prepare and put into operation plans for the progressive increase of production in all types of agricultural farming and ranching enterprises to ensure an adequate modern standard of living for the young farmers and to enable them to make a useful contribution to the national economy of Kenya. (Mr. Maisori-Itumbo.)

(Resumption of debate interrupted on 27th February 1964)

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): With regard to the order which has just been called, Mr. Speaker, the Minister for Agriculture was replying on behalf of the Government. He had an appointment at the Ministry, because he thought that the other Motion would come up first. Would it be in order for him to come and speak at a later stage, because when the House adjourned he was just replying?

The Speaker (Mr. Slade): I am afraid not; that is his bad luck. Perhaps you will be able to

speak on his behalf, not having already spoken in this debate. You may be able to add something which he might have added, now or later.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I had not spoken.

The Speaker (Mr. Slade): You might like to speak a little later on, then.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): If he is not allowed to speak when he does come, then I will speak.

The Speaker (Mr. Slade): He cannot speak again, I am afraid. He has missed his chance now.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): He was actually speaking when the House adjourned.

The Speaker (Mr. Slade): Yes, but if he is not here actually to speak now, he has missed his chance.

The Parliamentary Secretary for Local Government (Mr. Konchelah): Mr. Speaker, I would like first of all to congratulate the Mover of the Motion. We have sometimes had Motions of the same type which actually need some arrangement for planning for agriculture as a whole and animal husbandry.

Mr. Speaker, Sir, I am starting with animal husbandry in Kenya. We have been talking about farms, but I feel that anybody who has ever had a farm should try and develop proper animal husbandry or to gather the condition of the pastoral tribes in Kenya. The experience which people had is an experience which has been copied from the settled areas. In some other areas, particularly the African Reserves, the type of cattle which they had are the same type which they have at the moment. It came to my notice when the Minister for Agriculture spoke last time, that he brought up a point that in some other parts of Kenya, in some other reserves—for example he referred to the Masai Reserve—they should try to lease the land to some other tribe who can make use of it.

Mr. Speaker, Sir, this is a very shocking remark and I think that a Government Minister should not bring it in the way that he brought it. He said that the Masai, or perhaps other cattle people, are very lazy and they do not work properly, but I disagree with this remark, Mr. Speaker. No plan has been given to these people unless they fail to work according to the plan

[The Parliamentary Secretary for Local Government]

I feel, Mr. Speaker, that nomadic life has been used as a tactic, because the previous British Colonial Government and even a Minister like Bruce McKenzie, refused to make up a development plan for pastoral tribes.

Nomadic people go around and move about and therefore they are never permanently in one place. Before he makes a plan to settle these people he blames them, before he even learns of their difficulties which have made these people move. I would like to point out some of the points which make pastoral tribes, and which make nomadic people move about. I would say they do not like this nomadic life, but conditions and difficulties within their areas usually make them move. For example, lack of water. In various parts where these tribes live; for example, in the Northern Frontier District, in Turkana, in Masai areas and some other parts. You find that people are leading a nomadic life because there is no permanent water, and no plan has been made to try and get permanent water so that we can settle these people.

Some other areas, which are good for pasture are not very clean. They have got ticks which bring fever and you find a lot of cattle die, and when somebody sees his cattle are dying then he moves to another place. Some of these places have got tsetse flies and mosquitoes, and such areas are also bad for people, and the people cannot live there.

I agree with the Member for Kajiado when he says that the Minister for Agriculture feels that we should lease land, he says that the Masai should perhaps give away their land because they are lazy and he used to make very bad remarks about the Masai every time he spoke, and I think it is time he ceased, as a Minister of the Government, trying to blame a community or a particular group of people. He has said the Masai are very lazy people who stand on one leg, and he forgets that the land he owns belonged to those people who stand on one leg.

Mr. Speaker, Sir, I disagree also with the Minister when he says that the high-potential areas should be leased by pastoral tribes to the agricultural tribes, because I think the Minister himself forgets that perhaps in these pastoral tribes' land, the land is divided into three categories. He also said that these high-potential areas should be of good use to Kenya, but he forgets that some of these pastoral tribes have offered land for the benefit of game. The land, as I have said, is in three categories. First of all it has forest areas, which I think they have looked after very well,

and I think if they are going to be pushed or forced from the high-potential areas they will go and cut down the forest and live in the forest, and then we will lose the forest.

Secondly, Mr. Speaker, another portion of land is being used by game—Amboseli is a very big park which has been allocated for game, the Ol Tukai Lodge and the Uaso Nyiro Lodge in Samburu have been allocated for game. If the Minister will continue to say that this land should be leased, I am sure he will endanger game and endanger the forest as well. I think when he next speaks, he should make a plan to develop the pastoral tribes rather than to try to paralyse their lives and also force them into something they are not accustomed to.

Mr. Speaker, Sir, if there was a plan which could come first, we will settle them. After settling them, then we can start other steps. For example, if you settle people in one place, they will not be moving because the area is closed and free from diseases, for their cattle and themselves. Then you can easily start a school, a health centre and other type of development. I would say, though, that there was no plan made. I would say that the pastoral tribes have been ignored and the Minister for Agriculture himself blames the nomadic people, he blames the pastoral tribes. He, himself, is a Minister and has been here for years working as a Minister. I would say that it is time there is a plan. What has he been doing all these years?

Mr. Speaker, Sir, coming back to cultivation. We have a number of cash crops which the Africans have not been allowed to grow. For example: coffee, tea and perhaps pyrethrum. We have heard that Africans have been very good in growing coffee, in growing pyrethrum and in growing some other cash crops, but it seems as if also the Minister himself has not even made a plan in obtaining markets for these crops. I do not think the plan is made until the market is found, but I think planning comes first and marketing second. The produce which comes from the African Districts, for example, I understood that in previous years it has not meant that an African did not want to work. He wanted to work, and he wanted also to adopt new methods, but there has been a hindrance. The reason why our cattle have not been bettered is simply because of people like the Minister for Agriculture. He, himself, perhaps, took a big loan from the banks because he wanted to get a monopoly of selling milk without any competition. It is really high time this was done, because to the few Africans who have farms it seems as if there is no encouragement to give them loans. When they want to have loans then the question of guarantee

[The Parliamentary Secretary for Local Government]

and perhaps assurance, of the loans comes there. When the first farmers in Kenya, who are in a very much better position now, first started farming they went to the banks and got loans. I know that some assurance was wanted so that somebody could return the loan, but on the other hand I thought that the way that people, like the Minister for Agriculture, got their loans was because of their colour.

The Speaker (Mr. Slade): I am afraid you have had your time now, Mr. Konchallah. You have had your ten minutes. There are only fifteen minutes left before I have to call on the Mover to reply.

I am calling on Mr. Osogo to speak now on behalf of the Minister concerned. I will call on the Mover in fifteen minutes.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): The Minister made a few points when he was speaking last time, and I would like to amend this Motion and give the reasons why the Government is amending it. The amendment is not actually rejecting the Motion, it accepts it in a way. The Government cannot accept the wording of it. It is in the interest of the Mover and every hon. Member in this House that this Motion is amended to read as follows:—

THAT this House requires the Government to prepare and put into operation plans for the progressive increase of production in all types of agricultural farming and ranching enterprises to improve the standards of living of our people, especially the young farmers.

It is only the wording that the Government has changed, but the theme of the Motion remains as the Mover wanted, I think, and as the other hon. Members in their speeches wanted.

The hon. Mover of this Motion—and I see the hon. Member is keenly listening to what I have to say about him—started, when moving his Motion, by telling us the story about K.A.U. and by reading several statements from old-fashioned pamphlets which, I think he found out later on were out of date. The pamphlet quoted from was made in 1961, and as this is 1964, I think those are out of date.

Sir, he said that he faced somebody in the Ministry of Commerce and Industry which, of course, has no concern with the Ministry of Agriculture, and we thought he was going to say that he faced somebody complaining about agricultural produce, but after all he only said he complained to somebody about a transport company. Sir, this,

of course, had nothing to do with farmers. He also said that he wanted several factories to be erected, maybe in his own area. I will assure this House that, in the area of the hon. Mover of this Motion, there is a sisal factory—that is in Nyanza Region called Makonge in Homa Bay District—which is not able to process to its capacity. The people there have not been able to plant enough sisal to satisfy the capacity of the Makonge Factory Limited, and it is the duty of the hon. Member to go and tell his people to plant enough sisal so that this factory is able to process to its capacity.

Sir, he went on to say how we should introduce a fish factory, which is not agriculture, and he was also concerned about cotton. We have a ginny at Homa Bay which processes to only half its capacity, and the hon. Member's duty now is to go home and tell these people to plant cotton so that the ginny processes to its full capacity. He went on to tell us to erect a shoe factory in this place. How that is concerned with my Ministry, I do not know.

I would like to go on to the hon. Mr. Ngala Abok, who congratulated my Ministry for the work it is doing. I thank him very much for having done so. With regard to the points he made I would refer him to other hon. Members and people in this country, to a letter, No. AG/TEC/POL/1, Case I, of December last year. In this letter we appealed to every political leader in this country to appeal to everybody in his own area to co-operate with us, and do all he can to make agriculture the main source of this country's income. Attached to this letter was a list of crops, which should be grown in different districts, and I hope the hon. Member in this House will now remember the letter I am referring to. It is the policy of this Government that these crops should be considered seriously and it is our duty to go home and tell our people to plant these crops. My Ministry went fully into the details of this, and we have come to the conclusion that the list of crops we attached to this letter circulated by the Minister were the crops suitable to be grown in the various districts. It is the Members' duty to tell our people to plant these crops so that we can have enterprises which will uplift the living standards of our people.

Sir, the hon. Member for Homa Bay said that we do not have people in the field to tell them what kind of crops to grow. We do not have training centres in villages and he is not justified in comparing my Ministry to the Ministry of Health and Housing. Sir, the Ministry of Agriculture is such a wide Ministry that if we went from village to village building training centres

[The Parliamentary Secretary for Agriculture and Animal Husbandry]

for farmers, this Government and the taxpayers could not afford it. However, we do have training centres and research centres in different places, and I would like to tell the Member for Homa Bay that there is a research centre at Kisii; I am sure the hon. Member was not aware of this. It is his duty to find out what is taking place there, what crops are being recommended at these research stations to be grown in his area, instead of coming to this House and telling people that we are not advising people what to grow. Sir, Kuria is also included in that particular part of the world. He also suggested that the unoccupied land in Lambwe Valley should be occupied. Indeed, Sir, it is the desire of this Government that Lambwe Valley should be settled, but once when the Government made attempts to clear it of tsetse fly, the Luo in that area refused to live there, consequently the clearing was abandoned, the bushes grew once again and the tsetse fly infested the area.

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowit): Question!

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): My friend is shouting "Question", but the hon. Member knows that the Minister for Health and my Minister are going to this place to make another effort. I hope people will settle in this area once it is cleared so that the hon. Member for Homa Bay will not again refer to this place as an unoccupied area.

The marketing of crops comes after planning, as the hon. Mr. Konchellah says. I will now come to the hon. Member for Kajiado—his name is very difficult to pronounce—who mentioned water to aid development in the Masai area. We appreciate this and the hon. Member knew when he was saying this that he had led a delegation of Masai leaders to my Ministry. He mentioned this three days later after we had told him to go home and make plans and put them before the Regional Assembly which we are assisting, so that the Government will be aware of how to help in these plans. Unless these plans come through his Regional Assembly, we are unable to do anything. He came here and started blaming our Government for not doing anything for the Masai. I would like to assure the hon. Member that the water is planned on a pound to pound basis. Unless the local authority produces its pound, the Government will not be able to produce its pound. If the local authority produces one pound, the Government will produce another pound for water

development. The hon. Member has been in this House for a long time and should know this.

The Speaker (Mr. Slade): That is the end of your ten minutes, Mr. Osogo.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, I beg to move the amendment.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, there were one or two points brought up during the debate concerning the Ministry of Settlement with which I would like to deal very quickly. The first is that the Mover made some remarks which gave the House an entirely wrong impression and I think they were so damaging that they should be cleared up. The remarks which were made were as follows: "If I am allowed to quote, I have a book here with figures, and what was quoted annoyed me very much." They are these high density schemes which are to be developed, and then follow the details of eight settlement schemes, six of which were devoted to the Kikuyu, one was devoted to Elgeyo and the fast to the Tugen. The impression that was given to the House was that no one else was given any land, and that the Central Region was getting land in the relation of six to eight to everybody else. My hon. colleague, the Parliamentary Secretary for Agriculture, has already stated that he does not know what books of record the hon. Mover was quoting from, but that they were out of date there is no doubt. They were written in 1962 and we are now in 1964. If I may show the figures as they are I hope it will give the House a truer interpretation of what has happened. The Ministry would agree that it has always considered that there has been a pressing case in the Central Region and forty-one separate schemes have been produced with a total acreage of 360,000 at the end of the 1963/64 year; in the Rift Valley Region there were twenty-five with a total acreage of 167,000; in the Western Region there were nine with a total of 86,000; in the Nyanza Region, in which he said he thought there was nothing happening, there are eight with a total of 42,000, and we would have proceeded a good deal faster in the Muhoroni/Songhor areas were it not for the fact that the Regional Assembly in Nyanza has held up a piece of land which is vital to us for development of our sugar operation. I would suggest that the hon. Mover would expend his energies in talking to that Regional Assembly and endeavouring to get back this land so that we can go ahead with these settlement schemes. In zoning land for sugar one has to ensure that sugar gets to the factory; if it cannot

[The Parliamentary Secretary for Lands and Settlement]

there is no point in growing it. You cannot get it to the factory unless the Regional Assembly permits us to have this land. Therefore, I would ask the hon. Mover if he could give this his attention.

Finally, in the Eastern Region there are seven schemes with the total of 148,000 acres. I hope this does show that the interpretation he has attempted to set on settlement schemes is totally erroneous.

There was also a question brought up by the Member for Homa Bay in which he asked for land consolidation as rapidly as possible, in as many areas in the country as we can give. It is the policy of the Ministry to consolidate land wherever it is asked for as rapidly as it possibly can, but there is a limitation on finance, which we will be considering in the coming Estimates. I do, however, assure the House that, within the limitations of finance, we shall proceed with land consolidation wherever it is wanted, as fast as we possibly can.

Mr. Speaker, Sir: I beg to second the amendment.

(The question of the first part of the amendment that the words to be left out be left out proposed)

(The question of the first part of the amendment that the words to be left out be left out was put and carried)

(The question of the second part of the amendment that the words to be inserted in place thereof be inserted proposed)

(The question of the second part of the amendment that the words to be inserted in place thereof be inserted was put)

The Speaker (Mr. Slade): I would have thought that the "Noes" had it, but the difficulty is that we are then left with half a question and no time to discuss any further amendments. It is none of my business to influence the voting of the House, but it is better if we have a complete question just to wind up the debate, and I suggest that possibly the amendment does not affect very much the substance. Just in case hon. Members might feel like preferring a whole question for consideration, I will put the question again.

(The question of the second part of the amendment that the words to be inserted in place thereof be inserted was put)

The Speaker (Mr. Slade): If I was right about the "Ayes" having it on the first part of the

amendment, so I think I must be right in thinking they have it now, and that the "Noes" just happen to be a bit louder.

(The question of the second part of the amendment was carried)

(The question of the Motion as amended proposed)

Mr. Mairori-Itumbor: Mr. Speaker, Sir, I would like to begin by thanking all those hon. Members who took the trouble and interest to speak on this very interesting Motion. The intention of the Motion was, and still is, to make headway and have the situation well in hand so as to modernize the standard of living and the economy of the country in order to bring about the much desired development and progress throughout Kenya.

Mr. Speaker, Sir: the standard of living of the younger farmers throughout Kenya (according to my Motion, Mr. Speaker, you see that Kenya now has a problem of landlessness) has become very grave and in order to handle it, we have to investigate ways and means. When I read the article which the hon. Parliamentary Secretary told me was out of date, it was not out of date but mentioned all the plans which the Minister for Agriculture is still considering implementing in his Ministry. Mr. Speaker, Sir, quoting the other members who spoke on this Motion, the hon. Mr. Kibaki, urged all Members of Parliament to demonstrate by showing the people and also setting an example to them of developing the land throughout Kenya. Mr. Speaker, Sir, that was well and good, but how can it be done without money? My Motion, according to your comment when Members were trying to criticize it, was that it was fairly wide. It was wide enough to give us room to discuss it. Mr. Speaker, without money the people who have these serious problems in the country can never do well in development unless they are enabled to do so by the Government giving them money or loans so that they can develop their land and many other things. As I mentioned one day, it is very hard even up to now, because the Africans, you see, have been one of the races who were despised by the two other races, that is the Europeans and the Asians; and they still do not have much confidence in us, I mean the two racial groups in Kenya. To quote another Member, the seconder of this Motion, Mr. Ngala-Abok, demanded that more training centres of this Ministry should be set up in various districts, especially in South Nyanza which is where he and I come from; and also the Coast. Mr. Speaker, I would like to hear from the Government that it is encouraging the country

[Mr. Maisori-Itumbo]

at large that they are planning to spread development throughout the country, not just developing the Nairobi area and the nearest towns like Thika and so on. The hon. Member for Kisii says it is jealousy, but I think he is in a position to be satisfied, because he is already being represented by one of the Ministers: he has a representative in the Cabinet.

Mr. Anyieni: On a point of order, Mr. Speaker, the hon. Member has been saying that Mr. Nyamweya has a representative in the Cabinet. Does every Minister in the Cabinet represent the area from which he comes, or does he represent the whole nation?

The Speaker (Mr. Slade): He said what?

Mr. Anyieni: He said that Mr. Nyamweya is satisfied because he has a Minister to represent him in the Cabinet. I want your ruling as to whether you think a Minister represents his respective tribe or the country as a whole?

The Speaker (Mr. Slade): Did you really think that was a point of order Mr. Anyieni?

Mr. Anyieni: Yes.

The Speaker (Mr. Slade): Well you should know better by now. You are quite wrong, it is nothing like a point of order. Continue Mr. Maisori-Itumbo.

Mr. Maisori-Itumbo: Mr. Speaker, Sir, I think the hon. Member is ignorant of what a point of order is. Another speaker was the hon. Mr. Oloitipitip who spoke dynamically on this Motion, condemning the Ministry of Agriculture, for their false promises.

[The Speaker (Mr. Slade) left the Chair]
[The Deputy Speaker (Mr. De Souza) took the Chair]

The country is now tired of the false promises which are never fulfilled. Mr. Deputy Speaker, Sir, the reason why I brought this Motion into this House was that even if the hon. Parliamentary Secretary tries to do away with my Motion by saying that the documents I read in the House were out-of-date, I do not think he knows much about his Ministry. If I have to substantiate—

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Deputy Speaker, on a point of order. Is the hon. Member right in saying I am trying to mess-up his Motion, or does he mean amend?

Mr. Maisori-Itumbo: I am saying he tried to mess it up, I can substantiate this to him, and can substantiate to him that he does not know much about his Ministry.

I was stating that one of the reasons why I moved this Motion is as follows:

Here I have a document, and I wish the Parliamentary Secretary in the Ministry for Land Settlement to listen carefully: A committee was formed of six people in one of the seven regions of Kenya to work on the various elements without taking care of Kenya as a whole. Mr. Deputy Speaker, the name of this committee, is the Committee on Landlessness and Unemployment and it considers landlessness and unemployment in the Central Region. Mr. Deputy Speaker, if the Members will just give me time I will put him right.

The Deputy Speaker (Mr. De Souza): Your time is up, Mr. Maisori, please sit down.

Mr. Maisori-Itumbo: I am glad the Government has accepted my Motion, although there were some amendments.

(The question of the Motion as amended was put and carried)

Resolved accordingly.

THAT this House requires the Government to prepare and put into operation plans for the progressive increase of production in all types of agricultural farming and ranching enterprises to improve the standard of living of our people especially the younger farmers.

Mr. Maisori-Itumbo: On a point of order, I think I am not satisfied; because I wanted to give Mr. Marrian something—

The Deputy Speaker (Mr. De Souza): You have risen on a point of order which is completely fraudulent, I am afraid I have no alternative Mr. Maisori, but to ask you to leave the Chamber.

(Mr. Maisori-Itumbo left the Chamber)

MOTION

MISAPPROPRIATED PROPERTY IN EMERGENCY

Mr. Wamuthenya: Mr. Deputy Speaker, I beg to move the following Motion:—

THAT this House urges the Government to consider compensating those unfortunate persons whose property was misappropriated by the authorities during the height of the Emergency; and who were thereby left in a state of poverty.

This Motion is quite outstanding. It is well known that during the height of the Emergency

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there were many people who suffered because their properties were confiscated, and when their properties were misappropriated, it was not their fault, but there were lots of allegations.

This may be argued by certain Members sitting down, because probably they were not victims, or any of their brothers and other members of their families were not victims. I would like to know the reason why they are interrupting me in this Motion? Mr. Deputy Speaker, Sir, to the items of the misappropriated properties, they are as follows: a lot of homesteads were burnt down and those people were forced to live in villages which were established throughout the country. At the same time, they were denied food, and many children and old folk died. They were not looked after medically. Secondly, business premises and trading goods were also taken by the Security Forces. The owners were not considered. Livestock was eliminated. Private vehicles and omnibuses were also damaged or taken away without the right of action. Independent schools, which were general public self-help efforts, were also demolished and all the furniture and books were taken away, and even today there is no sign of where they are. Confiscation of money was also numerous. Widows and orphans living in villages, even now they are living in dilapidated and condemned huts and their conditions of living are unbecoming and they cannot move from there because they have no means of livelihood.

Mr. Matano: Mr. Deputy Speaker, is it in order for the hon. Member to read his speech?

The Deputy Speaker (Mr. De Souza): No, it is not in order.

Mr. Wamuthenya: No, I am only looking at the notes.

Mr. Matano: Is it in order for him to question your ruling?

The Deputy Speaker (Mr. De Souza): No, he stopped looking at the notes.

Mr. Wamuthenya: Human lives were eliminated and there was no course of action and many people were deprived of their lives.

Mr. Ekitella: On a point of order, could you give the plain answers; do not object to us.

The Deputy Speaker (Mr. De Souza): That is not a point of order, would you also kindly leave the Chamber.

(Mr. Ekitella left the Chamber)

Mr. Wamuthenya: Mr. Deputy Speaker, throughout the country are many disabled persons; disabled during the Emergency. Because of this many children who were left behind have nobody now to look after them. Many of the dependants of the people who died during that time also have no means of support.

Through all this, my request to the Government and to the House is to see whether a committee of inquiry can be appointed to go through the matter to see the complainants throughout the country and then assess how much property was misappropriated. Otherwise those people are going to struggle on and on, and we have many people in certain areas of this nature who complain a lot to us. They come to us every now and then to ask what the present Government is thinking about them. That is the reason why I have brought this Motion here, in order to see what policy Government can adopt, whether those people will be compensated or not.

There are many people who are just looking about, going from house to house in the reserves, in some cases bluffing some of the old folk by saying that if they give them some details of what they lost during the Emergency they will write it down and take it to the Government. There are many people who are collecting money from those helpless women. In order to remedy this trouble Government should have a policy which will rule this out so that it can be looked into by the Government because even now no one has obtained data concerning the property which was misappropriated, which was a heavy loss. Schools lost about Sh. 5,000,000. I am not in a position to go from item to item, because if I do so, I will not get all my information in. That is the reason why I am now requesting the House to see how the committee can be appointed so that they can investigate the matter.

With those few remarks, Mr. Deputy Speaker, I hope that this Motion will be supported by the hon. Members.

Mr. Gichoya: Mr. Deputy Speaker, Sir, in seconding this Motion, it has to be divided into three parts. One part is the loss of land of the people who were actually affected by the Emergency. Secondly, the self-help arrangements, as we see on the Order Paper, Motion No. 7, Minister of Labour and Social Services, whereby we are supposed to impress upon our constituents the importance of the self-help arrangements. That involves schools, which are public institutions which did exist, particularly in the Central Province, where the operation of the Emergency really took place. The other one will be the loss of jobs in the Civil Service of Kenya. Taking the

[Mr. Gichoya]

first one, land consolidation—loss of land—a man who was slightly suspected by the man who was oppressing the people of Kenya, all the people of Kenya, that they should not be free, just merely suspected, was imprisoned and his property taken. At the time of land consolidation, there was a very pathetic case, particularly in my area, and I give it as an example, where a man lost two sons fighting for *Uhuru* and the remaining son was not given even an inch of the land which belonged to his own family. It was taken by the Government on a single pretext that this family was involved in *Mau Mau*. My question is, yes, they were involved in *Mau Mau* fighting for what? *Uhuru*, which came to us on 12th December. Sacrifice in human form, sacrifice in material form, sacrifice in spiritual form. Yet these people were denied even the right of being members of their society. As a matter of fact they are regarded as outcasts, technical outcasts.

We have now the people who come from the forests who are a very good example. Our Government said "Come back and join your free country." They did. After coming back, they found that they did not even possess an inch—a small plot even—for putting up a house, yet the same people owned miles and miles of land owned by their own community, their own clans. These belonged at least to the Kikuyu community, where they have nine clans who actually own the land, it is communally owned. This is a typical communistic approach, socialism in the Kikuyu area. I say communistic or to put it better, socialism because it is not owned by the State but by individuals who live in that area as members of a clan. Now these members of the nine clans have no right whatsoever on the soil of their own homes, not even a place to put up a small hut. The Government of Kenya of the day took the land and told them that they had no right whatsoever. Our present Government, African Government, Nationalist Government, if it does this as well, will not differ very much from the Colonial authority.

Turning now to the question of schools and self-help schemes, the Central Province people, Kikuyu, Embu and Meru, knew how to help themselves and be independent rather than be dependent on what was coming from outside. What they needed was a directive to set up these schemes in a proper form. They did it, they had their own schools, and unfortunately, those schools—intermediate, secondary and the primary schools where you learn A B C D, the well-known three "R's", writing, reading and arithmetic—were completely removed from them and the Government decided

that these people should be condemned to death so that they may not see what is tomorrow. In other words, deny them the right to education, and then you can rule them forever. That was the weapon, Sir, which was used during those days. I see the Minister for Labour and Social Services saying, "Let us help ourselves," and then I am reminded immediately that the Government of today has a duty, if not as individuals, at least as members of various institutions. We have School Management Committees which do exist up to this moment and they have a right to approach the Kenya Government and demand their legitimate rights to compensation, as they, the Government, have done, to those people who were employed here to suppress us. Yet, when you tell them that their time is over, we are told the national Government must compensate them. A £2 million Bill was passed a few days back for compensation for loss of services. What about those people who actually lost their property for which they sweated? Leave out the man who came here just for opportunity's sake. He has been earning his living, yet he is given compensation, and the man who sweated and his property is taken before his own eyes, his wife seeing that their house is demolished, the child seeing that the very pot which was preparing food for that family is destroyed, yet not a single penny is paid by this Government to compensate them. I speak with sincerity and attachment—attachment in the sense that human lives that were sacrificed during the Emergency can never be repaid. I am not asking for much, but for repayment for the loss of property for those who lived to see free Kenya, and it is a dire necessity. Any Minister who comes here to reply, I demand, Mr. Deputy Speaker, that he must be sincere to himself first and the Government of Kenya second. There are people who lost their jobs in the Civil Service and that is why we hear today there are certain takeovers because the people who are really competent and were merely suspect were removed, and today you go to a particular Ministry and you are told that the laws of Kenya state—that was why I was humiliated when I went to the Ministry of Communications and I was told that I must produce a certificate showing that I was not in any way involved in the *Mau Mau* movement. I was really shocked, particularly when I remembered that the Prime Minister of Kenya, the father of the nation, served for nine years in prison in the name of having been associated with *Mau Mau*, according to the allegations in court. And this was alleged and those allegations were proved when he was there. Yet he is the Prime Minister today. But a man who never took part in that legal procedure, but

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who was actually put in a detention camp, or was repatriated from here to his reserve, lost a job and he has lost it forever.

Mr. Deputy Speaker, I believe there are certain losses which cannot be repaid, but, where a case can be proved beyond reasonable doubt, it is right that compensation be paid. Those who lost their jobs because they were involved in the Emergency operation should be reinstated, not just being merely re-employed but reinstated, with their pay ranging from the very moment they left that job, as long as they were not involved in killing or stealing. They were just political victims and, up to this moment, these very victims are the rulers today. Mr. Deputy Speaker, I said so because, at one stage, I was in a detention camp and now I am making the law for this country. Why should I have that privilege, yet my voters cannot enjoy that privilege of being employed by the Kenya Government? We are employed by the Kenya Government, hence my voters too, who were actually involved in *Mau Mau*, must be reinstated and be paid compensation, also payment from the very month they lost their job up to the day of reinstatement.

With these few words, Mr. Deputy Speaker. I say this: many a person in this House will shout, say this or that, yet they will never change my convictions.

(Question proposed)

Mr. Ngala: Mr. Deputy Speaker, Sir, this Motion is important because it involves a principle which we cannot overlook.

Now, I think the policy of the Government is to forget the past and we have several times been told to forget the past. The hon. Prime Minister himself has, in no uncertain terms, made it quite clear that people of this country should forget the past. They should forget the past and the pains they have had out of any struggles for their independence. They should forget the past in the losses they have incurred in struggling for independence or for any human life that has been lost in the past. I think this also includes forgetting the past as far as compensation is concerned. Members may say "Nonsense", but, Mr. Deputy Speaker, Sir, this is a statement by the hon. Prime Minister and it is the policy of the Government.

If it is the policy of the Government to shout "Nonsense", they should make up their minds as to whether they belong to the right side or the wrong side. I call upon the hon. Mover of this Motion—although I have a great deal of sympathy for what he has said and know the difficulties

other people have suffered—to forget the past so that we can look to the future instead of him spending his time dealing with tribal affairs of his own particular small place.

Mr. Speaker, it has been submitted that these people who fought during the Emergency were fighting for independence. Accepting that—although I do not believe it—as they have put it, I believe it is a very cowardly attitude to fight for the independence of one's country and then come back for compensation. In fact, many Africans today in Algeria, in Zanzibar and many other places have died for their country's independence and in none of these countries, where nationalists have died for the cause of independence, have they come back and asked their own Government for compensation. The Mover should be completely ashamed of his attitude. When we fight for independence, Sir, there is no cause, for compensation, there is absolutely no reason why we should ask for compensation; we fight for our own independence very hard. Of course, sometimes in the course of fighting we lose our lives, we lose our property, we lose our reputation and everybody, whether on this side of the House or the other, has suffered to some extent for the sake of the independence of this country. If it is a question of compensation everybody will stand up for for their individual rights and there will be a queue in front of the Prime Minister's office of people asking for compensation. I am told, and the Mover made it quite clear, that the independence of Kenya was fought for and won by these unfortunate people who underwent considerable difficulties during the Emergency. This is a wrong impression and I would like to correct it. The independence of Kenya has been fought for by everybody in this country. There are the homeguards in Kikuyu who lost their lives as well. There are the wives of the homeguards, who cooked food for their husbands and they sometimes lost their food during the course of all this struggle. Everybody lost something in the struggle for independence. Therefore, to come here and ask for compensation for one little group, one little tribe is shameful. It is a national insult. I hope the Mover will realize that this is a national House and as such, it has nothing to do with the politics of any particular tribe.

Mr. Speaker, I am not saying these things because I have no sympathy for those who suffered during the Emergency. I have a great deal of sympathy for them and for anybody who fought in the cause of independence for Kenya. However, the principle here is wrong. You do not fight for the independence of your own country

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and then come back and ask for payment from the Prime Minister. This principle is definitely wrong.

Mr. Speaker, Sir, there has been talk of independence schools. It has been proved beyond doubt that these schools were teaching the *Mau Mau* cult before they were closed down. They were not teaching the normal academic stuff, if they had been doing so they would not have been closed. Complete evidence was given and if this is questioned, any committee of the independent schools would have queried it in a court of law. No committee has ever done that because they knew that they were on the wrong side. I think the Government of the day acted correctly. If it is a question of compensation these Members are talking to the wrong Government. The then Government was the British Government, the British Government is still there, so why do they not go to that Government and complain? Why do they not go to Great Britain and complain? We are talking of an African Government, a completely different Government, a Government of the country, a Government which has suffered all sorts of things in order to come into existence. It is very different from the British Government, so what is the use of asking the hon. Mr. Odinga, the hon. Mr. So-and-so to give assurances whether this compensation will be paid? They were not in the then Government. They suffered just as much as you did and are not complaining, nor are they asking for compensation. Therefore, Mr. Speaker, the principle on which this claim is made is completely false and should be thrown out as a mad man's cry.

I beg to oppose very strongly the principle on which this Motion was brought.

Mr. De Souza: Mr. Speaker, Sir, I rise to support this Motion very strongly.

During the Emergency, Sir, many people suffered in this country; many of them were not members of *Mau Mau*; many of them were members of *Mau Mau*; but it makes no difference whatsoever because all the people who worked and fought for the independence of this country fought for it purely and honestly in the belief that they were fighting for the principles of justice, equality and for the freedom of Kenya. It is no use, Sir, saying that they were *Mau Mau* or they were not, because most of the people, however much we disagree with the methods that they used, used the only methods that they knew were available to them. They did so honestly and sincerely believing that those were the only methods available to them because, after all, what is a

greater test of sincerity of a person than the belief in a cause for which he is fighting, than the fact that he died and gave up his life for the cause of freedom? It is no secret that thousands of persons, probably tens of thousands of persons, lost their lives and sacrificed all their properties, their fortunes, their children for the purpose of fighting for the freedom of this country. It is quite true that had it not been for the struggle of freedom which took place in this country during the last ten years, neither my friend the hon. Mr. Ngala or any other Member of the Opposition would be sitting in this House today. He would very likely have been in South Africa and I would not be at all surprised if many of those hon. Members would have been in prison today under the imperialist régime. I do not know how the hon. Mr. Ngala, Member for Kilifi South, can stand up here today and say it is a shame for people to ask for compensation because they gave up their lives or their property because they did so for the freedom of their country. While these people were fighting for the freedom of their country, most of the people of the Opposition, including the hon. Mr. Ngala, were busy making money. We were fighting for the national cause, while my friend, Mr. Shikuku, who talked about Indians exploiting Africans, was himself exploiting somebody else at the time. He was exploiting the railways and the Government of this country at the time.

Many of these people are, in fact, destitute today. There are the children of these people who are suffering and who are orphans; they have neither father nor mother because their parents died in the struggle for freedom. Many of these people lost their property, they lost their lives, they lost their cattle, they lost their houses because the Government of the day, rightly or wrongly, believed that it was right in taking very drastic action against them.

So, it is our duty here, now in a free Government, to sit together and find out how this problem can be solved. This is not a problem that must be looked upon in a party spirit, it is a very important problem that confronts the country today and it causes a lot of frustration and bitterness, and it is the duty of this Government to try and solve this problem. I appeal, Sir, to our Government not to look upon this as a Back-bencher's Motion which must be amended or which must be set off by saying we will appoint a committee to investigate matters. Very often this problem has been brought before this House and every time we have been told that the Government is investigating matters and that each refugee or each person who is suffering will

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be looked upon on his own merits. That is not enough. Therefore, I appeal to the Government to put up a front, to put aside a substantial sum of money which the Government would allocate to persons who are destitute, to persons who have lost their homes, to persons who have lost their families or the breadwinners of the house, and a committee should be formed to distribute this money to people so that they can be brought back again into society. This is very vital. There are so many people who have, for example, come from the forests today. We may agree with their having lived in a forest or we may not. That is not relevant. The question is that if they come back into this country and find that they have no jobs, no land or no place in society for them they are bound to resort to violence or get into crime. It is our duty here to look upon this problem in a constructive manner and see how we can bring these people back into the new society.

I appeal to the Government not only to lay aside a substantial sum of money to make sure that all those persons who suffered during the Emergency have an opportunity to get back into life, but I also earnestly request the Government to make sure that land, especially farming land, is allocated to these people so that they have an opportunity to use the land. There is plenty of land in Kenya but the point is that we must make sure that the right people can use it. It is our Government, the Kani Government, that has come into power with the support of the masses, which must help these destitute people. I ask the Government not to amend this Motion, not to send it to a committee, but to accept it in the spirit in which it is put and do something actively and completely and tell the House today that these people are all being looked after.

With these words, Sir, I beg to support the Motion.

The Minister for Home Affairs (Mr. Odinga): I stand rather hesitantly to speak on such a Motion which I think should, somehow, have been moved in 1960 and 1961. I presume the Mover was not in the House but I can assure him that we moved many similar Motions as the one he has moved today. While I sympathize very much, just as the Leader of the Opposition sympathized very much, with the sentiments expressed and the emotional feelings which were raised by this Motion, I must say in no uncertain terms that the Government cannot, in fact, accept the Motion. For one thing, we find it extremely difficult to accept the Motion in its present form, because it talks about and mainly deals with the

question of compensation. I will explain briefly the complex conditions of any compensation. During that time the Emergency was the beginning of violent reaction by the African in this country to achieve independence. Even after the Emergency, the battle went on until we achieved what our people died for, and that was independence. We admit that many of our people lost their lives in the course of that struggle, and some who did not lose their lives lost instead their liberty. Many of them stayed for a long time behind the "iron curtain", many of them were confined behind barbed wire. Some went into prison several times, in and out, in and out. Many of them are spread all over Kenya. If we started paying compensation tomorrow, I do not know who would be selected for such compensation. It would be problematic, and I am sure that the mover of this Motion and those who feel like him—and there are many, including myself, who share a lot of his feelings with regard to those who suffered during the Emergency and the struggle for independence—will understand. We would like to do something for them, but let me explain to the Mover the complexity of the whole situation. During the Emergency many people were arrested and a lot of property was destroyed, and no records of any kind were kept. If you begin to ask people to come forward for compensation, someone who had a house worth only Sh. 600 destroyed will say that it was worth Sh. 60,000. What would you do? During the struggle, we tried to ask the Imperialist Government to pay compensation. I can assure you that in all similar struggles for liberty and independence in any country in the world, I cannot call to mind a case, where the nationalists who were engaged in the battle were later on compensated. It has never been done.

This is how they are going to be compensated. They are compensated by gaining their independence. We have gained our independence; that is one of the biggest compensations.

We are now in the process of getting the people of our nation means of livelihood in many ways. We are getting some of the landless people and are settling them as far as we can, wherever it is possible to do so. Also, the Government is considering the question of unemployment. The Government is doing all it can, and they are considering the people, who in the process of the struggle, lost their jobs, and so on. The Government is considering re-employing them as fast as they can do it. Let me remind the hon. gentleman that you cannot expect a Government of only two months to do more than we are doing at the present moment. I quite agree with the Mover of this Motion, that we should think of

[The Minister for Home Affairs] all our people who are destitute, those who are landless, those who were maimed in the course of the struggle. We can do that, and I can assure him that, although one hon. gentleman from this side said that the Government should not make any vague assurance, we shall not give vague assurances; these are not vague assurances. What we are telling him today in the House is only part of the action which the Government has taken. The Government is considering very seriously doing what it can for all those people who were maimed or who suffered considerably during the course of the struggle. We shall continue doing so.

At the same time, we are telling hon. gentlemen, both from the Opposition Benches and from this side, that they can help in such things in that, by forming voluntary organizations among themselves they can help in trying to collect money to assist; they can do this through channels of any kind. This is what has been done in many countries all over the world. The Government can do its best, and those Members who are thinking of it can organize associations and, through voluntary contributions get some of the funds which will assist in helping these people to find jobs, in order to help the Government in its work.

Mr. Speaker, I have tried to find a way in which we could amend this Motion in order to suit what the hon. gentlemen have said, but I have explained that because it speaks of just plain compensation, I can only tell them that we are very sorry, but the Government cannot find its way to compensate anybody who was engaged in the struggle for independence.

Mr. Kamau Mr. Speaker, Sir, I rise to support the Motion very strongly. While I am speaking on this Motion, I shall appeal to the House to be very careful in opposing it for the simple reason that the Motion is quite self-explanatory. It is a fact that everybody here today knows very well that it is the *Mau Mau* who have liberated this country. Had it not been that those people who so suffered, so dared, to take the *panga* themselves to attack the Imperialists in this country, they could never move from the tables, from the seats they were sitting on comfortably because they were fully encouraged by their stooges, who are here today. I would claim and say very strongly, the Leader of the Opposition of this House was the real source of the whole trouble in this country during the Emergency, for the simple reason—

Mr. Shikuku: On a point of order, the hon. Member has definitely alleged that the Leader of

the Opposition was the source of the Emergency. Could he substantiate that, Mr. Speaker?

The Speaker (Mr. Slade): Did you say that, Mr. Kamau? I am sorry, I was just being interviewed by a Member.

Mr. Kamau: Mr. Speaker, Sir, if asked to repeat I would say that the Leader of the Opposition, by the time the heat of the Emergency was on—

The Speaker (Mr. Slade): I am just trying to get clear what you said. Did you say that he was the source of the Emergency?

Mr. Kamau: Let me put my words, Mr. Speaker—

The Speaker (Mr. Slade): I want to know what you did say, first of all. Then there is the question of what you have to substantiate.

Mr. Kamau: That is not what I said, Mr. Speaker.

The Speaker (Mr. Slade): What did you say?

Mr. Kamau: I said that the Leader of the Opposition, by that time, was encouraging the existence of the Emergency for the following reasons, which I am going to substantiate if you so want. By that time, I was detained myself, and whenever the appeal was made in this House by the hon. Members who were sympathetic with our cause, he always used to oppose any method of having those people released from detention.

Mr. Omar: On a point of order, I am rising to seek your guidance, Mr. Speaker, on the hon. Mr. Kamau's allegation that the Leader of the Opposition was encouraging the existence of the Emergency. What I understand is that the Emergency was declared in 1952—

The Speaker (Mr. Slade): It must be a point of order.

Mr. Omar: Yes, I am coming to that.

The Speaker (Mr. Slade): Quickly. It ought to be a very short thing, a point of order.

Mr. Omar: Yes, I remember that during the Emergency the Leader of the Opposition was a teacher and he never took part in politics. Can he—

The Speaker (Mr. Slade): No, Mr. Omar, you are quarrelling with a statement made, and you cannot do that by a point of order.

Mr. Omar: Mr. Speaker, I said in the first place that I was seeking your guidance on this allegation.

The Speaker (Mr. Slade): My guidance is that you cannot dispute points of facts as a point of order.

Mr. Ngala: On a point of order, Sir, I rise to seek your guidance. The Member, while you were busy on another matter, actually said that I was the cause, the Leader of the Opposition was the cause of the trouble, that was the Emergency. The HANSARD took it down. When you asked him to explain, he changed his form of speech. Is it correct for a Member to do this?

The Speaker (Mr. Slade): He is quite wrong if he told me a lie. I asked him to say exactly what he had said. He stated categorically that he had not said that, he had said something else, and then he went on to explain why he had said it. I have to accept his word for the moment, but if he is proved by HANSARD to be a liar, he will have to make an apology to this House.

Mr. Kamau: To continue with my speech, Mr. Speaker, this House knows very well that those people were engaged to fight for the freedom of this country—

Mr. Ngala: Is the hon. Member in order in saying that, I encouraged the Emergency for the following reasons, and not giving those reasons?

The Speaker (Mr. Slade): He started to give them until he was interrupted. I think you had better go on giving your reasons.

Mr. Kamau: Thank you, Mr. Speaker. My reason, as I have already stated—I know it very well—is that when I was in detention, together with others of my colleagues, hon. Members of this House used to appeal for our release. When he was in this House, he used to oppose our release. Therefore, when I said that he used to encourage the Emergency, that is what I meant. Therefore, Mr. Speaker, if I am wrong to say this, I would say that the Motion in the House presently warrants the approval of the whole House, for the simple reason that if you go now to the Kikuyu country—and this I must make very clear—you find that those people who were affected by the Emergency, most of them, their land, their property, was confiscated by the Government—

Mr. Omar: On a point of order, could the hon. Member substantiate his allegation that the Leader of the Opposition used to oppose any Motion or statement in this House that the detainees would be released?

The Speaker (Mr. Slade): Can you substantiate that statement, Mr. Kamau?

Mr. Kamau: I would refer him to the HANSARD of the House of those days.

The Speaker (Mr. Slade): You will refer to specific passages, no doubt, in the course of the next twenty-four hours?

Mr. Kamau: If he so wishes—

The Speaker (Mr. Slade): That is the meaning of substantiation, that you produce your evidence. You are making the statement, and if you say it is in HANSARD you must produce the HANSARD. I suggest you do it within twenty-four hours, or you withdraw.

Mr. Kamau: I will go through the HANSARD within twenty-four hours, and if I find no evidence I shall come and withdraw, Mr. Speaker.

Now, to continue, Mr. Speaker, I have said that those people had suffered; their land was taken by Government; most of their property was misappropriated by the past Government; and I do not think that any nationalist in this House could have stood today, knowing very well those are the people who liberated this country, knowing very well that we are enjoying the sweat and blood of those people who stood today and oppose this Motion which is very self-explanatory. I would very strongly appeal to this House to appoint a committee of inquiry to go into this matter, to make a thorough investigation, and to recommend to this House that those people should be compensated.

Mr. Speaker, Sir, if I can refer again to the statement made by the Minister for Home Affairs, it is very unfortunate to see the very distinguished Minister for Home Affairs who has fought very strongly for the freedom of this country, who has fought for the release of those people, seeing that today he stood in the same House and opposed this very important Motion which has come as an appeal to try to put right the things which were done wrongly by the imperialists, against whom he himself was fighting. I was very upset to hear the same Minister opposing this very genuine Motion which is in this House. Therefore, Mr. Speaker, I would appeal to this House to see the light in compensating these people. This can only be done through a commission of inquiry to go into this matter, and then to ask people to submit a list of their destroyed property to this Government and see that they are compensated.

With these few remarks, Mr. Speaker, I support the Motion.

Mr. ole Olokipiti: Mr. Speaker, Sir, in the first instance I feel I must congratulate the Minister for Home Affairs for what he had to say to oppose

[Mr. ole Ololipitip]

been very impartial and he is a true Minister of Kenya if he continues to act in such a way as he acted today.

Mr. Speaker, Sir, the Mover of this Motion should know that once a person becomes a politician he should sacrifice three things: one, death; two, jail; and three, poverty. Therefore, Mr. Speaker, if the Member is a politician, who is supposed to be an Elected Member, elected by his own people to represent them in the political field, and he comes here to demand compensation for people who fought for freedom, I think he is entirely wrong and I would ask his supporters to tell him to resign.

Mr. Speaker, Sir, today I am an Elected Member of a constituency and my people have pinned all their hopes on me; they know that I am a true nationalist and that I am going to fight for their own interests no matter whether I am going to be put in jail today, hanged today or deported from Kenya. If the Member comes here today and says that he wants those people who fought for freedom to be compensated—yet they did fight for freedom—what does he mean by this? The freedom these people are alleged to have fought for is here today and we are enjoying it; even those people are enjoying it in their own country.

Mr. Speaker, Sir, if these people want compensation, they should tell us. But yet they stand up here and say, "We fought for freedom," and yet today freedom is there for everyone, what else do they want?

Mr. Speaker, it is really a matter for either the Members becoming leaders of the country or ceasing to be leaders at all. I should ask the Mover of this Motion to cease to become a leader of this country.

Mr. Speaker, let us take this question of the Emergency. We were all in this country at that time when the Emergency took place and we know that the only tribes which were affected by the Emergency were the Kikuyu, the Meru and the Embu. However, Kenya is not composed of three tribes only. Where were we, the rest of the tribes? If this had been a national issue, I think the Jatio would have taken part and the Masai would have taken part. Our money, the public money, should not be wasted to pay people who had a separate movement which the rest of the people in the country did not know about. I do not mean to say that I do not sympathize with my friends because I certainly do, but I do not believe that they took this trouble just because they did not accept the fact that an African Government was coming

anyway. I have never heard in any history, in any world history, of members of any community that has fought for freedom being compensated. This would be the first time for me to hear of a Member from a tribe, which claims to be made up of brilliant men and fighting men, to ask such a poor Government of Africans for compensation.

Mr. Speaker, Sir, I come from Masai and I would like to quote an example of what is happening here in Nairobi. Recently the Ministry of Labour published an announcement that there would be jobs for a lot of people and this step has been taken by the Kenya Government and we all appreciate it. However, what happened here in Nairobi? Many thousands of people gather from 3.00 a.m. and they have nothing to eat—I am told that seven of them fainted yesterday because they had nothing to eat. You, being the leaders of the country, know that these people are fainting because they have no food—they have nothing—and yet you come here and tell us that these other people should be compensated.

The Speaker (Mr. Slade): Mr. ole Ololipitip, you must address the Chair.

Mr. ole Ololipitip: Yes, Mr. Speaker, I am sorry and I will now address the Chair, but I would also like you to know, Sir, that I am agitated by these people who want to waste our money.

The Speaker (Mr. Slade): You will find it easier to keep cool if you address the Chair.

Mr. ole Ololipitip: Therefore, Mr. Speaker, I think that if one Member comes here and says that these people should be compensated it will affect everyone in the country. Look, for example, at Masai: these people talk about losing land. What land have you lost? Before the Europeans came to this country I believe that these people were living in the forests. Now these people are claiming that their land has been taken, but by whom? In fact, they have more land than they should have. No one among the members of the three tribes can claim that Meru or Nanyuki were their former lands; all this land was Masai land. You have all this land today and now you say that you have not enough land. You are very lucky because you have all this land.

The Speaker (Mr. Slade): Order, order. You must not forget to address the Chair.

Mr. ole Ololipitip: I will never forget it again, Sir.

Therefore, Mr. Speaker, I know that these people have lost land and have also lost people, but it should be well known

An hon. Member: A point of order, Sir. Is it in order for the hon. Member from Butere to play about in the House when another hon. Member is speaking? He is flapping a piece of paper around behind the Member's chair.

The Speaker (Mr. Slade): Hon. Members must retain a certain amount of dignity.

Mr. ole Ololipitip: Mr. Speaker, I think that this Motion is really unnecessary. If the Mover really meant business, he should agree with the Minister for Home Affairs, who has been here for years, and who has been a Member in this House for a long time, and who was moving this kind of Motion when the British were still in power here. However, the Minister has just told us that he tried his level best and still he failed. The Members come here and tell us that we should compensate those people. But what has the Government, the African Government, ever taken from those people? Can the Member tell us whether we have taken anything from them? We did not take anything; the African Government did not take anything. Why should the hon. Member come here and say that we should compensate these people?

I am quite in agreement with the Minister, Mr. Speaker, when he says that the Government has been here for only two months and we all appreciate that they are working very hard to see that those people (who have also been working very hard for freedom) are now given help. The Members must hear that they are getting positions and these positions they are accepting; one of them is the Chairman of the Maize Marketing Board and others are chairmen of other organizations. This is what they wanted and now they have it.

Therefore, Mr. Speaker, I will oppose this Motion very strongly, and I would only like to ask the Mover to suggest to the Ministry of Labour and to ask that Minister, "Where can we place these people who are jobless and who want to serve us?" This is quite right, but to come here and say that we should compensate them from our public money to that it is wasted is, I think, out of the question.

Therefore, Mr. Speaker, with these few remarks, I beg very, very strongly to oppose this Motion.

Mr. Warlith: Mr. Speaker, Sir, I stand to support this Motion. In the first place I want to make this fact quite clear. It seems as if some hon. Members of this House have the feeling that it was only the Kikuyu, Embu and Meru who fought for the independence of this country. I am standing to say that the struggle for independence for Kenya was fought by all the people of

Kenya. It was not only the Kikuyu, Embu and Meru, as the former speaker, seemed to allege. It may be that the members of these three tribes suffered more than any other tribes in this country. However, this does not say that other people did not take part in the struggle for independence.

If we look back we can see that the people of Kenya have struggled for a long time for the independence of Kenya: right back to the 1920's. I think the hon. Members of this House are quite aware of the history of the struggle for independence in this country. It may be that the period 1952 to 1960 was the time when the bitterest struggle was being fought for the independence of Kenya. It is quite true that during this period the area which was mostly affected was the then Central Region. However, as I say, those were in detention camps and those were in Kenya then. You used to read the papers to see what was happening and you would see that the trouble was all over the country. However, when the Mover of this Motion comes to this House to request compensation, he is not asking for his own tribe as some people seem to think; he is asking for all those people who suffered, who lost their property and who were detained; he is not just asking for the Kikuyu, Embu and Meru. Members of the Opposition may know that probably members of their own tribes were put in the detention camps.

Mr. Speaker, Sir, it is quite true that these people were struggling for the freedom of this country; it is also true that we are now independent—we have independence for Kenya today—but at the same time, we cannot forget the fact that these people suffered. You should see their status now and the way in which they are living. Those who are familiar with the problem will know that some of them have nowhere to live; they have no land; they have nothing to eat; and they are just wandering all over the country as destitutes. I think it is fair for the Mover of this Motion to claim before the House, and request our Government to see that something is done to alleviate the problems of these people.

I know in my own area there are many who lost their families; there are wives whose husbands were killed and children who cannot go to school because their relatives were killed; there are people who were detained in the Emergency for more than eight or ten years and when they came out they had nothing to call their own because land consolidation was planned during their absence. This could be, for some, very serious.

An hon. Member: Who did it?

Mr. Warilhi: It could be that it was done by the imperialists, but whoever did it, it is the duty of our Government to come forward and find ways and means of helping these people to reach the same status which they would have had if they had not been in the detention camps and had not been subjected to other indignities.

The Minister for Home Affairs said that he cannot accept this Motion because there are difficulties of assessment and also because it only deals with compensation. I do not think our Government is so incapable that it cannot set up machinery to assess the amount of losses which these people might have suffered. I am sure Government is able. There are many people in this country and commissions could be instituted to find out how these people can be helped. We have been told that the Government is trying to help in every way possible, but those who are familiar with what the Government is trying to do realize that this programme does not help. It is said they can get employment or they can be given land, but the main problem I think is that they are displaced persons as it were. Their suffering has come to them due to their sacrifices which they made for the independence of this country.

As the Motion talks of compensation: if the Government feels it cannot compensate these people, there are many other ways in which the Government could help to bring these people to a normal life. As I said earlier, some of them are lame—they lost limbs—and some of them have bullets in their bodies even now. I can quote examples of ten people I know today who cannot afford the fees to go to hospital to be operated on so that the bullets in their bodies can be removed. Our Government should come forward to find such cases and then try to help them and the county councils should send them to hospitals. It is difficult to understand what this Government of ours, of the people of Kenya, is doing to help our people.

The Speaker (Mr. Slade): The Motion only deals with compensation for the loss of property, Mr. Warilhi.

Mr. Warilhi: I am coming to that, Mr. Speaker.

Mr. Speaker, Sir, as you say the Motion refers to loss of property, I would like to say that most of these people had their own property; they had buildings, they had land, they had shops and other things which were destroyed by the then Government. This destruction is not usually clear; it is not clear in many cases. I remember in my own area, there was a market and all the shops

in it were demolished on the allegation that the owners of those shops were *Mau Mau*. The question of who they were and what connexion they had with *Mau Mau* was never gone into. I believe, Sir, that our Government should compensate these people for the loss of property which they lost during the State of Emergency.

Mr. Oduya: Thank you very much, Mr. Speaker.

I would like to say a word or two because I feel I must emphasize to my friends here certain points because they are a little confused and do not know what they are talking about. I must tell them that no Teso—or any of the other people in Kenya—will accept money being wasted on compensation to your people.

Mr. Speaker, Sir, I must say that my friends seem to be suffering from inferiority complex; they think they are going to give us some new threats in this Parliament. I must tell them that this is not a Kikuyu Parliament, it is the Kenya Parliament, and it will not tolerate threats from anybody, however strong he is. Perhaps you are taken up with these subversive terrorist activities you carry on at night. I am wondering why it is that a Member in this Parliament, who really knows the problem of this country, comes here and demands compensation for these people when he knows very well that there are thousands and thousands of these people. Millions of pounds would not be enough to pay their compensation. Through your ignorance you think that it is only a few people.

Mr. Speaker, Sir, let me tell the hon. Member that if he wants any compensation he will have to tell these fellows to subscribe money, look up teachers and then go to London to see the Colonial Officer and then Mr. Duncan Sandys will clear this and he will be able to get something.

Mr. Speaker, Sir, even during the First World War and the Second World War, we had a lot of people who lost their lives and their relatives have not been compensated. If my friend here believes they were fighting for Kenya then I am wondering why he comes to us and asks for compensation. They think they are the Government of this country and so I want you to prove today that you are not the Government of Kenya. The Government is for everybody here.

Mr. Kamau: Mr. Speaker, is it in order for the hon. Member to call the *Mau Mau* fighters "criminals"?

The Speaker (Mr. Slade): Yes, he may express that opinion.

Mr. Oduya: Thank you, Mr. Speaker, although I did not say they were criminals, I said something which you must know.

Now, Mr. Speaker, Sir, even in Algeria, if my friend is very ignorant, or if my friends from Central Region are ignorant, they must read the history of Algeria or Angola which is still fighting. So many people have lost their lives—

Mr. Wamuthenya: Is it in order, Mr. Speaker, to call the Central Province Members of Parliament chaps?

The Speaker (Mr. Slade): No, hon. Members, please.

Mr. Oduya: Thank you, Hon. Members, then, but, Mr. Speaker, they must be hon. Members in sense. Now, I only just want to refer them to some place like South Africa where people are still losing their lives. Even places like Algeria, which achieved independence through struggle and bloodshed, have never up to now asked for compensation, and it is very unfortunate for my hon. friends to come and bother their Government by asking that these people should be compensated. I think these are the people who are creating a problem in this country. They go on cheating their people that we are going to get them everything. They think they are going to get them everything by false pretences. This will never be accepted by any Government in power.

Mr. Gichoya: On a point of order, Mr. Speaker, is it in order for the hon. Member to say that the Members from Central Region or Central Province are or have been cheating their own electors? Could he substantiate it so that we know exactly what he means?

The Speaker (Mr. Slade): If he said anything like that he must certainly give his reasons.

Mr. Oduya: Mr. Speaker, I wish you to understand that I said this because if the public read in the Press that the Members from the Central Region demanded compensation then it will be embarrassing for the Government. They will go back and say: "We asked for something for you but the Government has refused". That is what I said.

The Speaker (Mr. Slade): Did you say that hon. Members have been cheating their constituents?

Mr. Oduya: Yes, but I meant to say that they are cheating—

The Speaker (Mr. Slade): Then you had better withdraw it.

Mr. Oduya: Then I will withdraw it, but— It may be a shame but I also want to assure the Members here that they should be ashamed because they will not get anything. Even if you go to hell you go to certainty. This Government will not be responsible for the losses of property of these people during the time of the Emergency. There were thousands of them, and some of them never even joined the struggle. But if we ask for compensation, each of them will come forward and say: "Oh, I also lost so much . . ." and even the very Member who moved this Motion, the Mover, Mr. Speaker, for your information, one day told me that he lost Sh. 175,000 and that is why he has moved this Motion because he wants compensation. It is true and he says so, it is true. Now, since the Minister here has told you, there is no record of these things, then each person will want to come forward and say that they lost about Sh. 1,000,000, and so on, and I assure you, my friends, that from today—

The Speaker (Mr. Slade): Mr. Oduya, address the Chair.

Mr. Oduya: Yes, Sir, I will tell my hon. friends that, from today onwards, they should not bring these consensual Motions here, asking the Government such embarrassing questions which I think are merely childish and they should know that the Government of this country is run by everybody, including the Teso, including the Galla, including the Turkana, the Masai, and it is not only for the Kikuyu. The mere fact that we have all tribes in this Government means the Government of Kenya, and therefore I assure you that any moment you mess about here we shall teach you the way you have taught your lesson to the Europeans.

The Speaker (Mr. Slade): You have only one minute, Mr. Karuki.

Mr. G. G. Karuki: Although I have only one minute, Mr. Speaker, I want to say something on what has been said by some of the hon. Members here who did not really understand the Motion. They are referring to the Kikuyu tribe but the Motion does not refer to a particular tribe. Those hon. Members, Mr. Speaker, are ignorant of what they are talking about. Mr. Speaker, Sir, if we refer to a tribe like the Teso, before the Emergency they did not know how to shoot anything. They were training themselves by shooting the Kikuyu. One has just said that before the Colonialists came to this country, the Kikuyu had no land. This is a very nonsensical statement that the hon. Member made. I am surprised to see here a Minister who has been fighting the Colonial rule, trying to tell this House that

[Mr. G. G. Kariuki]

Government is not going to help them, his own people.

The Speaker (Mr. Slade): I am afraid I have to interrupt you now, Mr. Kariuki. It is time for the Mover to reply.

Mr. Wamuthenya: Mr. Speaker, Sir, I am very glad that many of the hon. Members have supported my Motion, it is only the Opposition side and a few others who are trying to oppose it. My Motion is quite reasonable, I did not even mention my own tribe. If you read my Motion carefully you would see that I asked for compensation for those people who had their properties misappropriated during the height of the Emergency. But many of the hon. Members on the Opposition have said that I am demanding compensation for the Kikuyu. I know their feelings of jealousy because if this compensation is paid it will be to the Kikuyu mainly because they were the main sufferers, male and female. But I myself did not mention that. What I would like to point out, Mr. Speaker, Sir, is that in any place where there has been a war, it has not meant that those people in a state of poverty have not been remembered by their Government. If anybody loses a limb, a hand or a leg, during a war, he is remembered and cared for by the Government. The widows and orphans have no means of livelihood and some of the hon. Members who are very sensible cannot even sympathize with them. They are shouting that they cannot be remembered and that because some of them, I know, were just sitting down eating butter and drinking milk, and then they say that it is only because I was in a Detention Camp that I am not claiming my own property; I am just claiming for the people who are very poor indeed and need to get something. If you went to those places you would see that those people were very poor, they come to us every night asking what they are going to do, their children have no money for going to school, they have no husbands or fathers, they have no *shambas*. If you were being called upon by those old women, if they came to your house every morning and every night, I am sure everybody who has a human soul would sympathize and they would not deny this compensation.

Another point is this: the Leader of the Opposition said that everything should be forgotten. I agree, no revenge should take place in this country, that I accept one hundred per cent. But what I was asking for is compensation, compensation so that what the leaders say should be forgotten will be forgotten; nobody will be

worried about who killed his brother or whether he did the other thing. We are asking the Government what they can do to testify to the position of those people.

Another thing which I would mention is that I am very glad that many of the Members do appreciate that those people who died were fighting for their freedom. That is the main and important thing, and I would very much like to ask this House to go into this matter and assess the loss which was sustained, especially by those who died because of the future events of history in this country. Those people who were not sympathized with are now suffering and they have real reason for these complaints.

Mr. Speaker, Sir, I do not mind that those people are abusing me, but they are using bad language in the House of Parliament. There are many people who are disabled, and they are still suffering. Should they not be remembered by any Government of this world? During this State of Emergency—I did not mention any tribe—some members of the Indian community were helping in this war. They must be given credit, a very large amount of credit. They were doing even more than some Africans. I can say so because it is true. I know that some people do not like it—

Mr. Obok: Mr. Speaker, Sir, is it in order for the hon. Member to address a colleague instead of addressing the Chair, and he is almost hitting his colleague sitting next to him?

The Speaker (Mr. Slade): You must be careful not to damage your neighbour.

Mr. Wamuthenya: Mr. Speaker, Sir, I said that because one of the Members said that we think we are the only people who were involved in the liberation of this country. That is why I mentioned the other people as an example—I mean the Indian community—they helped us a lot. Why should I mention the Africans when in my Motion I did not mention any particular tribe? I mean everybody, everybody.

Now, Mr. Speaker, Sir, with those few remarks I hope that every sensible hon. Member here will support this Motion.

(The question was put and negatived)

MOTION

BOARD OF INQUIRY INTO WITCHCRAFT

Mr. Jahazi: Mr. Speaker, Sir—

The Speaker (Mr. Slade): Order, order. Mr. Jahazi, if you want to cross the Floor to speak

[The Speaker] you bow on your way. I have told you before, have I not?

Mr. Jahazi: I am sorry, Mr. Speaker. Mr. Speaker, Sir, I beg to move the following Motion:—

THAT this House being aware of the existence of witchcraft and witch doctors all over the country and of the influence these witch doctors have on a large number of our population urges the Government to set up a Board of Inquiry to investigate all forms of witchcraft and the validity of claims by witch doctors to cure disease and bewitch people, and to investigate the possibility of their "science" being applied to modern medicine or their complete abolition.

Mr. Speaker, there is not a single Member who can pretend not to have been influenced by a witch doctor once. I know a lot of Members here who are still leaning on these witch doctors and who do not know whether their influence on people is their personal influence or a witch doctor's influence. Therefore, Mr. Speaker, I would say that the witch doctors are a real menace in this country, and I would like to define witch doctors. In this term I include all witch doctors, those who are practising this science constructively and also those who are practising destructively. I hear the Leader of the Opposition is so worried about this Motion because I have a surprise for him in the Motion.

This old science, like all sciences, is very wide and, therefore, very difficult to cover in this one-and-a-half hour debate, and we here are all laymen, we are not experts on witchcraft, but as Members we see all over the country what influence these very witch doctors are waging on our people. Some witch doctors are really a force in the countryside and no one would try to question their activities. You find other people who are claiming to be doctors, and many people travel far and wide to go to these witch doctors because they believe that all diseases can be cured by these people. Some of these witch doctors can claim to cure some diseases. I have examples. I have seen some people suffering from certain diseases going to the hospitals and then the doctors have said that they cannot do anything about it, and then these people have been taken to the witch doctors and they have been treated. Therefore, I say that some of these people have at least tried to claim that they can cure some diseases. There are some expert witch doctors on mental diseases,

they can cure them. You see a lot of people suffering from these hopeless cases, they go to the witch doctor and after a stay of three or four weeks or months, according to the case, one finds that they return to normal, because of the witch doctor's medicine. Therefore, we cannot just claim that there is absolutely no justification for their claims. They must be doing something. I have seen people suffering from epilepsy, these people have gone to the hospitals and they have been given drugs, they are told that they will be cured, and nothing has happened; even the medicines have failed, but the expert witch doctors can cure these diseases. They have cured people, I have seen them curing them, Mr. Speaker, Sir, there is no need for Members to shout, they know it very well.

Mr. Ngala: On a point of order, Mr. Speaker, is the hon. Member in order turning to me like that?

The Speaker (Mr. Slade): He realized that he was not in order.

Mr. Jahazi: Mr. Speaker, Sir, the Leader of the Opposition seems to be very touchy about this. I do not know what he expects me to say, but as I said, I have a little surprise for him and if he will be a little patient I will expose him. Some of these witch doctors, as I said, have really got curing hands because in the country you find that there are a lot of snake bite experts, you find that many people are bitten by snakes and they are not rushed to the hospitals, they go to the witch doctors: He gives them a few roots and they are all right. Mr. Speaker, I say by the term "witch doctor". I mean those who practise medicine by curing people and those who claim they are bewitching people to cure them. Therefore, Mr. Speaker, this Motion is wide enough to include all good doctors and all other destructive ones.

Mr. Speaker, Sir, this problem of witch doctors has encroached on every sphere of the African way of life. Recently, last Sunday, you might have read a report about the complaints of referees in Nairobi here, saying that witch doctors have interfered with a football game. Many football teams are taking their witch doctors to the field and they are creating a lot of disturbances and so many things are happening which no one exactly knows or can explain what exactly is wrong. A goalkeeper may just catch a football and then it deflates or something like that: mysterious happenings on the football field. Mr. Speaker, Sir, this is not the first case because in every big football match you find that many of the teams

[Mr. Jahazi] must consult a medicine man and some travel as far as 100 miles, to do this. In Mombasa, I know of cases where football people have travelled as far as Tanga to get medicine so that they should beat their opponents. They slaughter cows, they carry this and that and lots of things are going on. I know, I see them, and no African will pretend here that these things are not going on.

Mr. Speaker, Sir, I do understand that it is whispered, it has been a big whisper that the Leader of the Opposition is carrying something in his hat, that is why he does not remove it.

Mr. Omar: On a point of order, can the hon. Member substantiate that the Leader of the Opposition has something under his hat?

The Speaker (Mr. Slade): Even if you only allege a rumour, you have to give some background.

Mr. Jahazi: Mr. Speaker, Sir, you know rumours are rumours. The only substantiation is to ask whether it is true that the Leader of the Opposition carries this, and if he says that he does not, it will be enough to prove that those people were whispering wrongly.

The Speaker (Mr. Slade): If hon. Members make allegations and are required to substantiate them, they cannot just put it over to the other side to show they are not telling the truth. Substantiation means, if you allege rumour, you produce some sort of justification for the rumour. Maybe you were only alleging he had his head in his hat, but if he has anything more, you must say why.

Mr. Jahazi: Mr. Speaker, Sir, as I do not believe such rumours then I can just withdraw them.

Anyway, Mr. Speaker, Sir, the rumours are still there. This is an African Government and as an African Government we can no longer treat these witch-doctors in such a mad manner, trying not to see the problem. It is up to this Government to investigate and see whether there is something to these people who claim that they can cure disease. If this commission were appointed, so many people would come up with evidence to claim that they were cured of certain ailments or diseases by witch-doctors. I understand that in South Africa and West Africa there are institutions where they organize these doctors so that they have their own dispensaries, their licenses and so on. Even in China, as I understand from Members

who have been there, medicine men have institutions, and some doctors come up and show to the board or the Government that they can do this and that and if, it is proved they are then given a licence to practise their medicine. Then, those people who feel that they get no benefit from the hospital are at liberty to go to these medicine men, these people who are recognized by the Government, rather than calling them names, when they are at liberty to practise. In fact there are so many people being treated by these liars who claim that they cure all sorts of diseases and, because they are dirty-looking, they are dressed in skins and feathers, they go on cheating people and taking their money, saying that if they want a job they must go to them and they would be given a charm, so that when they go to speak to the boss, if they put it on their tongue they will get the job. These things are happening, if you want to win an election you do this.

During the elections so many Members I know tried it. Others, of course, succeeded, and now they do not know whether it was through that witch-doctor's cure that made them Members or whether it was through influence. So much practices, Mr. Speaker, cannot be left as they are—because we are the people indulging in these practices. Mr. Speaker, Sir, at the Coast if you want to get married there are marriage specialists who claim when you go there that they can see what type of life you will have with your wife. You pay him money and then he brings a book and tries to sort out things and then he tells you not to marry the girl because if you marry her you will not be happy, and will not be this and that. So many marriages are spoiled because these people claim to be experts on this matter. Therefore, if these people's claim is right then we can say that whenever someone wants to be happy we will not have any more unhappy marriages. If these people can prove to the Board that they can forestall a marriage, then we can recognize them as being employed by the Government, so that whoever wants to get married, first he goes to him and then he will see whether his marriage will be all right or not. Otherwise they should not go on lying to people, taking people's money for nothing. These people cannot be left to exploit the population like that. That is why I say that this Board should be appointed to inquire into all this exploitation. Mr. Speaker, Sir, yes, I tried it. When I got married I was told that I would have a very happy marriage and I am having one.

In the countryside we hear a lot about so-and-so who was murdered because he was suspected

(The Debate continues)

[Mr. Jahazi] of being a witch doctor. The Kilifi district, which the hon. Leader of the Opposition represents, is the worst because there are a lot of murders committed because of witchcraft. A person is pang'd because someone suspects that maybe his son died because he was bewitched by so-and-so and in most of the African countryside no one dies a natural death. When you die then somebody tries to pin the blame on someone saying "No, he should not have died, it was because of so-and-so, he must have bewitched him". Then after the death there is the continuation of some *fitina* going on, somebody trying to get revenge by killing someone through witchcraft. These things are going on, the Leader of the Opposition knows it, it is just under his nose and everyone here cannot deny that these things are not going on. Therefore this Motion is a national one. I would not like to say that it is my Motion, it is something which is in everybody's blood. Most of the Members here only had their first injection when they were old enough to remember it up to this time. When they are very young, they are just given this and that and they believe that when someone has a fever if a few plants are gathered and he is covered with a blanket then he will be all right. When somebody is coughing he is not rushed to hospital, even now, he is given a certain herb and then the cough goes. There are so many children's diseases even at this moment which a child cannot be cured of in hospital. These old mothers understand these diseases. They say, for instance, when a child has a fever and is crying and shaking and frightened, the remedy is to take elephant dung. Yes, elephant dung; everybody knows that if you burn it and let the child smoke it he is cured. That is medicine and any African knows that whenever a child is suffering elephant dung is very important.

An hon. Member: I am doing this very cautiously, Mr. Speaker, but to the best of my knowledge witchcraft is an offence under the present Kenya laws and if an hon. Member alleges that hon. Members have committed a criminal offence what is the remedy of this House?

The Speaker (Mr. Slade): I don't think any harm is done if general allegations are made without pointing a finger at any individual, especially as regards that particular offence, which I am sure no hon. Member takes very seriously.

Mr. Jahazi: Mr. Speaker, I do not think that is an offence unless he wants to blanket himself

the way we have been blanketed by the Imperialists all the time. These things are going on. If it is an offence, arrest the witchdoctors, there are so many, even here in Nairobi.

Well, Mr. Speaker, Sir, as I was saying, the time has come when these people should no longer be taken for granted and no laws should be passed making witchcraft an offence without trying to investigate what these people do, how much it affects the other man. If somebody says that he can bewitch you and kill you let him try. We have so many *Shifita* and if they are experts let them bewitch the *Shifita*. Then we won't have any trouble. In history hon. Members will remember that many witchdoctors used to say "If you go to war take this and all the bullets will turn to water." Many of our people suffered, they were killed because these bullets were real ones and killed them. Therefore, such people should not be allowed to live. Well, those are lies but they must be investigated.

This Motion is not my own creation; everybody will have opportunity because I am saying things that are in the blood of people, things they are practising. If they are not practising this themselves then their uncle or aunt or someone from the family is practising these things and you will find that their own children are practising this. When you leave a wife at home, she portrays two people. If the child has fever she goes to the hospital and then from the hospital she goes again to the witchdoctor and uses two types of medicine and they never know which one has cured the child. All our mothers and grandmothers are doing the same thing. I see that my time is running out and I therefore leave it to the Members to discuss this. I see that they are doing the same thing with the sincere intention that we must try to correct what is wrong in this set-up. Thank you Mr. Speaker.

Mr. Oduya: I have very little to say on this Motion as the Mover has already put everything clearly to the Members of this Parliament.

Mr. Speaker, the point of this Motion is, I think, somewhat difficult. It asks the Government—I am personally worried about where the Government is going to get the money—to investigate this witchcraft business. Although the Motion itself is good, the question is where are we going to find the funds to set up a commission to investigate this.

When speaking on the Motion itself, as I said, it is a good idea, but there are two parts of this Motion: this first is to investigate the position of those witches who are considered to be good at

[Mr. Oduya] curing those with diseases, and the other is that there are witches who are bewitching others in the country today. It is true; it is in our own customs and beliefs, that there are those people who bewitch others. I think my friends from Kitui who are here will agree with me that we understand that Kitui is the most expert area.

This witchcraft is also found in some parts of Luo country and also some parts of Kabwere land and so I think there is some truth in it. This is why I support my friend and I am sure that something could be done if the Government could find the funds. When the Minister replies he will tell us whether he can set up these commissions to investigate the issues, first of all in Kitui, which is considered to be the most dangerous area, and also in some parts of Luo and other places. In Teso we do not have these criminals because these criminals who practise witchcraft are like murderers. Something should be done by the Government on this.

Again, I would like to comment on those who are really curing. Mr. Speaker, and I would like to say that these people are there and it is true and I certainly think there is some truth in this. It is true that there are some people who can cure the diseases which cannot be cured in the hospitals and nobody can deny this. Even the Minister for Health now in Kenya, I am sure, even his father and his mother, and he himself have been treated by these witchdoctors.

The Minister for Health and Housing (Dr. Mungai): May I have a substantiation of that, Sir?

Mr. Oduya: I was just generalizing, Mr. Speaker.

The Speaker (Mr. Slade): It was not an allegation by Mr. Oduya. He was just saying that there was a strong probability that this was so.

Mr. Oduya: I am sure that this happens everywhere in the country today. In my own area I have some of these people and sometimes I approach these people and tell them that I have this or that problem and ask them, "Can you get me some *Mitishamba*?" and they say, "Yes, all right, you can come at such-and-such a time and I will bring this *Mitishamba*." You see, Mr. Speaker, with African customs there are some very dangerous poisons which people put in other people's food. These are ordinary ones which are found in the *shambas* and if you eat these you find that your stomach is aching and in the end

this may kill you if it is not properly treated. This cannot be treated in the hospitals and that is the whole set-up.

This is why I support the idea that there is truth in this Motion and something must be done to give these witchdoctors a legal way to practise their "science" so that they will be in a position to save the lives of the people who are today dying because the hospitals cannot afford to treat such diseases which are being organized by expert witchdoctors in the reserves.

With these few remarks, I hope my hon. friends here will support this Motion, and also that it will be supported by the Government, and at the same time we must look for the money to carry out these investigations.

(Question proposed)

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business, and so the House is now adjourned until tomorrow, Thursday, 12th March 1964, at 2.30 p.m.

The House rose at thirty minutes past Six o'clock.

WRITTEN REPLY TO QUESTION

Question No. 35

LOANS TO FARMERS: WESTERN REGION

Mr. Khasakhala asked the Minister for Agriculture and Animal Husbandry:—

(a) How many farmers in the Western Region had received loans from the Ministry and for what purpose?

(b) In view of the fact that there was a surplus of bananas grown in the Western Region, particularly at Bunyore and Maragoli, would the Minister tell the House what immediate steps the Government was taking to find an adequate market for this fruit?

REPLY

(By the Minister for Agriculture and Animal Husbandry (Mr. B. R. McKenzie)

I wish to submit the reply to Question No. 159 which becomes Question No. 35 in the new session in writing because of its length:—

(a) (1) The answer to the first part of the question is 161.

(2) These loans have been issued for farm development and better animal husbandry as follows:—

I. LOANS ISSUED:		Balance		
DISTRICT	Year of Issue	No. of Loans	Amount	Outstanding as at 30-9-63
			Sh.	Sh.
Kakamega	1949	3	3,000	—
	1950	15	15,000	—
	1951	6	6,000	110-00
	1953	5	5,000	—
	1954	6	7,000	629-00
	1956/57	97	41,300	12,203-68
	Total ..	132	77,300	12,943-68
Elgon	1950	2	2,000	—
Nyanza	1951	1	1,000	—
(Bungoma)	1953	4	4,000	—
	1954	2	3,000	—
	1957/58	20	21,750	2,444-13
	Total ..	29	31,750	2,444-13
GRAND TOTAL ..		161	109,050	15,386-81

2. PURPOSES:

In Kakamega—for Cattle and Farm Development (labour netting, barbed wire, C.I. sheet, fencing, cultivator, hedging, cedar posts, pipes, tank, ox-cart, wheel barrow, maize drill, oxen, spray pump, plough, shovel, jembes).

In Elgon Nyanza—for pigs, barbed wire, posts, ox-cart, Harrow cultivator, spray pump, work oxen.

3. Besides the normal advances which can be obtained from the Agricultural Finance Corporation and the Land Bank, £9,000 has been allocated to Western Region for loans to co-operatives to enable them to buy fertilisers and so improve their coffee industry. The Elgon Nyanza Joint Loans Board decided to be wound up in October 1963 and its functions have been taken over by the respective County Councils.

(b) The importance of bananas in Kenya is as a local food crop although farmers who grow them well in the Western Region could build up a market in Kisumu and the neighbouring tea estates.

There is no evidence to show that there is significant overseas demand and therefore no markets are being sought.

Thursday, 12th March 1964

The House met at thirty minutes past Two o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

NOTICES OF MOTIONS

OVER-POPULATION: COMMISSION OF INQUIRY

Mr. Khasakhala: I beg to give notice of the following Motion, Mr. Speaker:—

THAT this House, being aware of the serious population problem that faces the people of Bunyore and Maragoli, urges the Government to set up a special commission similar to the Gatuguta Commission to examine that problem and to make recommendations for action with particular reference to land and unemployment.

DISCRIMINATION AGAINST FREEDOM FIGHTERS

Mr. Gachatta: Mr. Speaker, I beg to give notice of the following Motion:—

THAT this House deplores the discrimination being shown against former freedom fighters by chiefs and headmen, resulting in disharmony in the Central, Eastern and Rift Valley Regions, and calls upon the Government to take immediate action to remove the sources of tension.

ORAL ANSWERS TO QUESTIONS

Question No. 42

NUMBER OF PORTUGUESE NATIONALS IN KENYA

Mr. Gatuguta asked the Minister for Home Affairs if the Minister would inform the House of the total number of Portuguese nationals in the country?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to reply. The total number of European Portuguese nationals in the country at present is forty-one. Figures are not available for non-European Portuguese nationals.

Mr. Gatuguta: Mr. Speaker, Sir, could the Minister assure the House that the Portuguese nationals in this country are not a security risk?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I am not aware of any of them being a security risk to the country.

Mr. Gatuguta: Is it a fact, Sir, that the staff of the former Portuguese Consulate are still in Kenya, that they did not leave the country when the office was closed?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, we do not normally consider individuals, whether they belong to embassies or whether they were employed by an embassy or not. I think we are considering whether they are a risk to the country.

Mr. ole Tips: Mr. Speaker, Sir, can the hon. Minister tell us how many out of the forty-one European Portuguese nationals have taken up Kenya citizenship?

The Minister for Home Affairs (Mr. Odinga): I am not aware of one who has actually taken Kenya citizenship up.

Mr. Balala: Mr. Speaker, Sir, can the hon. Minister tell this House what precautions he is taking to see that such nationals are not a risk to this country?

The Minister for Home Affairs (Mr. Odinga): We take the normal steps to see that they are not a risk.

The Speaker (Mr. Slade): I think we can go on to the next question.

Question No. 44

IMMIGRATION OFFICERS: NUMBER OF AFRICANS

Mr. Gatuguta asked the Minister for Home Affairs:—

(a) How many posts of Senior Immigration Officer there were in the Immigration Department, and how many of these were occupied by Africans?

(b) How many Immigration Officers there were in the Immigration Department and how many of these were Africans?

(c) What arrangements were being made to train an African to take the post of Principal Immigration Officer.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to reply:—

(a) There are at present four posts of Senior Immigration Officer. Two of these posts are filled substantively by expatriate officers. The remaining two posts are not substantively filled.

(b) There are twenty-nine Immigration Officer posts. Nine of these are filled by Africans and a further four by locally engaged Asians. As a result of our intensive Africanization policy, by July 1964, there will be seventeen African Immigration Officers out of a total of twenty-nine. Of

[The Minister for Home Affairs]

the remaining twelve non-Africans in posts, four will be locally engaged Asians.

(c) There is at present an African serving in the post of supernumerary Principal Immigration Officer and understudying the substantive holder of the post.

Mr. Gatuguta: Mr. Speaker, Sir, as regards (a), can the Minister tell us how soon he is going to have these posts filled by Africans?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, we are looking for people and immediately we get Africans who are able to fill these posts, they will be taken on.

Mr. Ngala: Arising from the first reply by the Minister, could the Minister explain to the House how the Principal Immigration Officer, Mr. Willis Argwe Omolo, has been appointed, since his qualifications seem to be not so good as the qualifications of another graduate called Mr. Jenga Kalthia, who has not been promoted, and, secondly—

The Speaker (Mr. Slade): Only one question at a time.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I am not going into the individual cases in this selection of officers for filling posts. This is the work of the Public Service Commission.

Mr. Ngala: Mr. Speaker, Sir, I rise to seek your guidance in this. This Ministry is under the Minister concerned, and he cannot therefore refer this House to the Public Service Commission, because he is either responsible for the Public Service Commission or, if he is not responsible, we should be answered properly. Can he answer my second question?

The Speaker (Mr. Slade): As regards your first question, the Minister may give as little or as much answer as he likes. If he says that he does not want to deal with individual cases, you cannot get him to do so. Will you go on to your next question?

Mr. Ngala: Mr. Speaker, Sir, I would like to get some assurance from the Minister concerned that these appointments into the Immigration Department will go through the normal Public Service channels, of merit and ability, instead of this apparent favouritism which is being shown here?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I object to the imputation of

unfair motives, because I feel that the work of the Public Service Commission is entirely their own and the decisions are their own. I do not know why hon. Members should want to interfere with these minor appointments by civil servants.

The Speaker (Mr. Slade): Order, order. Hon. Members must remain seated until the Minister has sat.

Mr. Ngala: Arising from that reply, Sir, could the Minister tell us the academic qualifications and the experience of these officers, that is Mr. Willis Argwe Omolo as against Mr. Jenga Kalthia.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I can assure the hon. gentleman, having obtained all my information from the officer concerned, I am reasonably satisfied that the gentlemen he is referring to are quite able to fill those posts.

The Speaker (Mr. Slade): We cannot go any further into individual claims by Africans for these appointments. The purpose of this question is Africanization as a whole.

Mr. Gachago: Mr. Speaker, Sir, since the Minister is not aware of what has been happening with regard to promotion and Africanization in this particular department of this Ministry, would he assure this House that he is going to institute an inquiry immediately into the promotions and appointments in this department?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I will not interfere with the normal course of the Civil Service. I can only assure the Members that my job is to see that Africanization is carried on, and we leave the work of filling those posts as best as possible to the judgement of the Public Service Commission.

Mr. Minko: Arising from one of the Minister's replies, does the Minister agree with me that the case of Africanization in this particular department has been slow, and therefore he must change or reshuffle that department immediately?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I do not agree that it is slow, because when I took over this Ministry in June last year, there was no African at all in the department, but by July this year we are going to have seventeen Africans out of twenty-nine people, and therefore I am fully satisfied that the progress is good.

Mr. Tuva: Mr. Speaker, Sir, is the Minister assured that the workers of Kenya are going to be able Africans and not only Africans who are just black.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I can assure the hon. Member that is the aim of the Government, and we will always see that the people who fill these posts are the right type of people and that they carry out their duties efficiently.

NOTICE OF MOTION ON THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 44:
IMMIGRATION OFFICERS: NUMBER OF AFRICANS

Mr. Ngala: On a point of order, Mr. Speaker, in view of the unsatisfactory replies given by the Minister and the Government side on this issue, I would like to raise a Motion on the Adjournment.

The Speaker (Mr. Slade): Mr. Ngala, you will give written notice of that desire in due course.

ORAL ANSWERS TO QUESTIONS

Question No. 71

DISCRIMINATORY NOTICES IN PUBLIC PLACES

Mr. Makokha asked the Minister for Home Affairs what steps he had taken to ascertain, particularly in public places in Nairobi area and by some commercial firms that such discriminatory notices as "European" type, "Asian" type and "African" type did not exist.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to reply. If the hon. Member will kindly let me have a list of the public places in question, I shall be happy to follow the matter up. As regards discriminatory practices generally, I am sure the policy of the present Government is well known.

Mr. Alexander: Mr. Speaker, Sir, as it is of considerable assistance to humans to be able to identify conveniences—with particular habits, would the Minister state whether the Government would have any objections to signs indicating squatting, sitting or standing positions?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, the Government would consider each case on its merits.

Mr. Alexander: Mr. Speaker, Sir, would the Minister agree that it is of considerable merit as to how a person should choose in this particular matter?

The Minister for Home Affairs (Mr. Odinga): Can the Member actually explain himself quite clearly in the question? I still do not understand him.

An hon. Member: Demonstrate it.

The Speaker (Mr. Slade): Order, order. I think it might be embarrassing to hon. Members to have any further explanation of this.

Question No. 72

PROBATION OFFICER FOR BUSIA DISTRICT

Mr. Makokha asked the Minister for Home Affairs if he would provide a Probation Officer for Busia District so that those on probation and others concerned could be saved the long distance journeys they had to make to Bungoma.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to reply. Owing to financial and staffing difficulties, it is not possible to provide Probation Officers in all districts and this applies to Busia as well as others. I am satisfied that the particular area concerned is at present sufficiently well served from Bungoma and that the case-load in Busia is not such as to justify an officer being posted there full time.

Mr. Makokha: Mr. Speaker, Sir, will the Minister assure this House that he will provide an officer for Busia during the next financial year?

The Minister for Home Affairs (Mr. Odinga): If the case warrants it, Mr. Speaker, we shall consider it.

Mr. Shikuku: Arising from the previous reply by the Minister, he did state that it was a question of money, but is he aware that it is necessary to have a Probation Officer in this district and it should be given priority?

The Minister for Home Affairs (Mr. Odinga): We do not consider it as a priority, Mr. Speaker.

Mr. Gikhoya: Mr. Speaker, arising from the Minister's reply, is he aware that Busia is a district itself and there is a distance of many miles between Busia and Bungoma?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, it is not only Busia which is a peculiar case. I consider there are several districts which have not been dealt with, and we feel that at this time Busia could very conveniently be served from Bungoma.

Mr. Gachago: Could the Minister tell the House what other considerations—besides finance—he takes into account when considering the placing of Probation Officers?

The Minister for Home Affairs (Mr. Odinga): Finance is one of the major factors, and also we consider the number of cases which are actually to be found in a district, that is if we were posting an officer to that area.

Question No. 117

THE AFFILIATION ACT: CARE OF CHILDREN

Mr. Mbogoh asked the Minister for Justice and Constitutional Affairs whether he was aware that unscrupulous mothers were taking advantage of the Affiliation Act to obtain court orders from more than one putative father for the same child and spending the money unlawfully on their own self-adornment, and whether he was satisfied that the welfare and upkeep of the children for whom orders more made was being safeguarded.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. There is no indication that any mother has sought relief under the Affiliation Act from more than one putative father for the same child, and it is unlikely that any attempt to do so would escape the notice of the courts. If the hon. Member will draw my attention to any specific instances, I will see that they are carefully investigated. Payments made under the affiliation order are intended for the welfare and upkeep of the child concerned, and if a putative father considers that his payments are not being properly used, he may apply for a variation of the order. No such applications have been brought to my notice.

Mr. Mbogoh: Mr. Speaker, would the Minister tell this House, whether, when such a case is brought to him, he would investigate it or just reverse the whole thing?

An hon. Member: Let him finish.

The Speaker (Mr. Slade): Let him repeat his question.

Mr. Mbogoh: I want to know from the Minister, whether, if such a case was brought to him, it would be referred back to the court—because the native courts are sometimes quite unfair to these—or would he investigate it himself?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, if there is a question as to the use of the money, then the father can apply for a variation of the order. I have already said that, so far, we have had no such complaints. If there are general allegations of unscrupulousness, then I would welcome any such allegations for investigation, and again I have received none. I would be quite willing to investigate any case which the hon. Member would like to bring to me.

Mr. Oduya: Could the Minister tell us why he finds it necessary to create executive officer posts and yet cannot find someone to deal with crime in the district? Answer that, Mr. Minister.

The Minister for Home Affairs (Mr. Odinga): I did not hear what the questioner said.

The Speaker (Mr. Slade): Nor did I. It is very hard to expect an answer when you do not speak clearly, Mr. Oduya. Would you like to repeat your question?

Mr. Oduya: The question was this, and I want the Minister to listen very carefully. How does the Minister find it very necessary to appoint unnecessary positions, like executive officers, and yet he cannot appoint a Probation Officer in Busia District, who should deal with crime in this area? That is the question.

The Minister for Home Affairs (Mr. Odinga): That question is irrelevant, and does not need a reply.

Mr. Makokha: Mr. Speaker, Sir, arising from one of the Minister's answers, may I know how many probation cases justify an officer for any area?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, that is for the Administration to consider, and I can assure the Members that, at the present moment, the cases which we receive in Busia do not warrant immediate consideration for an officer, but as soon as it is necessary we will do so.

Question No. 107

HEADMEN APPOINTED DURING EMERGENCY

Mr. Mbogoh asked the Minister for Home Affairs whether he was satisfied that headmen appointed during the Emergency, especially in the settled areas, were not provoking discontent among squatters, and if he was not, what steps did he propose to take to remedy this situation.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to reply. Yes, Sir.

Mr. Mbogoh: Mr. Speaker, if the answer is yes—

The Speaker (Mr. Slade): I am sorry, you were not quick enough on your supplementary. We are going on to the next question now.

Mr. Ngala: Arising from one of the replies of the Minister, Sir, could he give a breakdown of the court orders so far since the Affiliation Act came into action as a result of decisions (a) from the African courts and (b) from the Supreme Court?

The Speaker (Mr. Slade): I am afraid that is outside this question. This question is alleging malpractices as opposed to the number of cases heard.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I can give the answer if the hon. Member wants me to.

The Speaker (Mr. Slade): All right, but I do not want this to go any further beyond this question.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): During 1963, 183 affiliation cases were filed by people from the Central Region, namely the Kikuyu tribe; twenty-seven by the Abaluhya; twenty by the Kamba in Machakos area; and no other tribe filed any. These figures relate to cases in the African courts and, in addition, fourteen cases were filed in the Resident Magistrate's Court in Nairobi, some of which were non-Africans.

Mr. Oduya: Mr. Speaker—

The Speaker (Mr. Slade): No more questions on that particular line.

Mr. Oduya: I wanted to ask something from the Minister.

The Speaker (Mr. Slade): On that line, or going back to the original question?

Mr. Oduya: It all depends on how I frame the question. Is the Minister aware that since the introduction of the Affiliation Act, unscrupulous mothers have increased and made it a market for their own benefits? Could he tell us whether there is anything going to be done about it?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, if any cases are brought before the courts, the courts will hear all the arguments and determine whether or not there is validity in the arguments put forward. There can be no question, therefore, of any misuse of the Affiliation Act. If, on the other hand, the hon. Member feels very strongly about the Affiliation Act, we will wait for a Private Member's Motion.

Question No. 43

EAST AFRICAN STANDARD: REUTER NEWS SERVICE

Mr. Gatuguta asked the Minister for Information, Broadcasting and Tourism if the Minister was satisfied that there was no detriment to security by reason of the fact that the *East African Standard* newspaper had a monopoly in a direct teleprinter service between its office and that of the British news agency called Reuter?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): Mr. Speaker, Sir, I beg to reply. As Members are already aware, the Kenya Government has signed an agreement with Reuters of London Limited with regard to the supply of Reuter's African Service. This is being received by the Kenya News Agency and is distributed to local subscribers including the *East African Standard*, the *East African Newspapers (Nation) Series Limited*, and the Kenya Broadcasting Corporation. Before this agreement was concluded, the *East African Standard* used to receive the African News Service in addition to a separate beam from Reuter containing detailed sports news and news pertaining to the London Stock Exchange. This second beam involved transmission over long hours, and it is not possible for the Kenya News Agency to cope at present with the reception of the detailed items on the Stock Exchange and, although the Government has the monopoly for the Reuter Service, it is arranged that the *East African Standard*, which has been sole recipient of the second beam in Kenya for many years, would continue to receive the London Stock Exchange news and sports news direct. It would, however, be regarded as a service to the Kenya News Agency if the *Standard* would pay the Kenya News Agency instead of paying Reuters. I am satisfied, Mr. Speaker, Sir, that there is nothing detrimental to Kenya's security in this arrangement, and as soon as the Kenya News Agency is in a position to cope with the extra load, the Government will make the necessary arrangements to have the second beam received through the Kenya News Agency.

Mr. Kall: Mr. Speaker, Sir, could the Minister tell us why he has been sitting on this question for the last three months?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): Mr. Speaker, Sir, I think that is the mistake of the hon. Member who sent this question to the wrong Ministry. I only received it today, and I am dealing with it now.

Mr. Gatuguta: Arising from the reply, Sir, is it in order for the Minister to accuse the Member who asked this question? The fact is that the question was passed to a Minister of the Government three months ago.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): I think this is a matter of defence. I did not actually accuse the hon. Member, but at the same time hon. Members must know where to direct their questions.

The Speaker (Mr. Slade): We will not go on discussing that particular point. It has happened once or twice in the past few days, and as I said before, if a question is directed to the wrong Ministry we expect that Ministry to pass it on very quickly. This may cause slight delay, but it should not cause too much.

Mr. Ngala: On a point of order, Mr. Speaker, about three days ago this question was raised and you said you would look into it with the Clerk of the House. Is it that these questions are not directed by the Clerk of the House to the appropriate Ministries?

The Speaker (Mr. Slade): I promised to look into a particular question which Mr. Mwanjumba said he had only received the same morning. In that particular case I found that the question reached his Ministry on the 3rd February. It may only have been presented to him by his office that morning, but the reply had actually been sent in to this House three days previously. Mr. Mwanjumba has, in effect, apologized to me for the apparent confusion in his office.

Mr. Ngala-Abok: Mr. Speaker, would it not be necessary for you to say clearly as to whether the Clerk is responsible for sending it to the Ministry, or whether the Members are in any way concerned with the directing of these questions to the Ministry?

The Speaker (Mr. Slade): It is the responsibility of the Clerk to get them over to the Ministry as quickly as possible after they have been received and approved, as he does so.

Mr. Ngala: On a point of order, Sir, having found that the Ministry was at fault, is it not right for the Minister to apologize to this House?

The Speaker (Mr. Slade): I left it for him to decide whether or not he would do so. I would not like to force apologies except in very extreme cases.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, I am

still finding out, but I said that when the matter is clear I would make a statement to the House.

The Speaker (Mr. Slade): You are quite correct, you did say that. I must correct what I said before, that is exactly what Mr. Mwanjumba said to me.

Mr. Kamau: Mr. Speaker, on a point of order, according to the Minister for Information, the question was referred to the wrong Ministry, but he has now replied, so it does no longer refer to the Minister of State. Does this mean that he is now standing as the Minister of State or the Minister for Information?

The Speaker (Mr. Slade): We are just wasting time with points of that kind, let us get on with the supplementary questions.

Mr. Obok: Arising from the Minister's reply, could the Minister tell the House under what arrangement the *Daily Nation* is allowed to receive a direct news service from the United States News Agency?

The Speaker (Mr. Slade): No, I am sorry, this question relates only to the Reuter service and the *Standard* teleprinter.

Question No. 48

COMPENSATION: PEOPLE OF KITUI EASTERN LOCATIONS

Mr. Mati asked the Prime Minister what steps the Government was taking to see that compensation was paid for the loss of lives and property of the inhabitants of the eastern locations of Kitui District who were the victims of Somali marauders in 1961 and 1963.

The Prime Minister (Mr. Kenyatta): Mr. Speaker, Sir, I beg to reply. Before I do so, however, I would like to inform the questioner that he should learn where to direct his question. The question he is asking is concerned with the Ministry of Home Affairs, not with me, unless he simply wanted to show that he could ask the Prime Minister a question.

Mr. Mati: On a point of order, Mr. Speaker, is the hon. Prime Minister in order to say that the Prime Minister cannot be asked a question?

The Speaker (Mr. Slade): He has not said that.

Mr. Ngala: On a point of order, is the Prime Minister in order in suggesting that it was a mistake for the Member to put this question to the Government? Is it not appropriate for the Minister to pass it on to the correct Ministry to deal with it?

The Speaker (Mr. Slade): That is the usual practice as I said already. I think we are wasting a lot of time on points of order.

The Prime Minister (Mr. Kenyatta): To continue. In answering questions, I would still say that the Members should learn to whom they should ask the questions. I did not say that the Government should not be asked questions, but if you direct your question to proper Ministers it will be much better.

However, I beg to reply. The Regional Government Agents of Isiolo, Garissa and Kitui have submitted their report on this raid to their respective Civil Secretaries who are still discussing a solution to the problem. The two Civil Secretaries have had two meetings to discuss the possibility of the Somalis being compelled to pay compensation, but so far no final decision has been reached. In principle, however, the Somalis appear to have accepted their responsibility for these raids. It was unfortunate that the Emergency was declared in the North-Eastern Region at a time when the Civil Secretaries of the Region were about to get the Somalis to agree to the actual compensation. The Emergency has hardened the mood of the Somalis in this respect, and it has also diverted the concentration of the Civil Secretaries from this problem. But as soon as the situation improves, the Civil Secretary hopes to be able to press this matter to a satisfactory conclusion.

Mr. Muti: Mr. Speaker, Sir, could the Prime Minister assure us that when the situation has improved, his Government will see to it that the Regional Authorities do take this matter seriously because the feeling is that they are not taking it as seriously as they should?

The Prime Minister (Mr. Kenyatta): Well, I think I said, Mr. Speaker, as soon as the situation becomes normal, the problem will be taken up seriously.

Question No. 61

PRIORITY FOR NATIONAL ASSEMBLY MEMBERS AT FERRIES

Mr. Komora asked the Minister for Works, Communications and Power if, in view of the fact that hon. Members were so delayed at the ferries in the Coast Region, he would consider the possibility of introducing a regulation for Members of the National Assembly to get priority to pass through without delay?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I

beg to reply. The Government has been watching the situation in Kilifi for some time, and in the past few years, have abolished the old slow-chain ferry which caused innumerable delays and, as a further step to improvement, installed two much larger and better pontoons only two years ago, and also motorized the ferries, which solved most of the problems. However, at peak periods there are still slight delays but, in order to avoid these, it would be necessary for the Government to bring in a completely new craft such as that seen at Likoni, which is called St. Christopher, but it would cost a great deal of money and we do not, at this stage, feel that the slight annoyance caused at peak periods, warrants the introduction of the new ferries. The Government feels that it will be unwise to give special privileges to Members of the National Assembly to obtain priority on the ferries. This tends to create bad feelings for those who have urgent work of their own if they themselves are delayed. If Members are on urgent national duty, they should speak to the Ferry Master who will give them preference.

Mr. Matano: Is the Minister aware, Mr. Speaker, that the two large ferries which he has mentioned are of two different dimensions and therefore they cannot be used at the same time?

The Minister for Works, Communications and Power (Mr. Mwanjumba): They are used in opposite directions.

The Speaker (Mr. Slade): We cannot follow that part of this answer much, because the sole purpose of this question is finding priority for Members of the National Assembly. We must keep to that.

Mr. Ngala: Arising from the Minister's reply, Sir, can the Minister tell the House whether he believes himself that a delay of two hours at the peak period at either end of Kilifi is a slight inconvenience as he calls it?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I do not agree that passengers wait for more than two hours to cross the Kilifi Ferry.

Mr. Komora: Mr. Speaker, Sir, arising from the original reply of the Minister, is the Minister aware that the supervisors of the ferries have the idea that whoever comes first is the person to be served first, and in that way we do not have any priority at all?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I also agree with the Ferry Master in the principle of first come, first served.

Mr. Komora: Mr. Speaker, Sir, arising from that reply, being Members of the National Assembly would the Minister tell us where our place is?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I do not know how to reply. The hon. Member does not know where his place is, but I would like him to know that if he goes to the ferry he is placed in the queue like other people who came before him.

Question No. 65

LOANS TO COASTAL TRIBES

Mr. Komora: Mr. Speaker, Sir, there is a point of correction on Question No. 65, and that is the word "or". The word reads "Wasanyo", and should read "Wansanye".

Mr. Komora asked the Minister for Agriculture and Animal Husbandry if the Ministry had made any loans available to the Waorma, Wa-Pokomo or Wasanyo for agricultural purposes during the period July 1962-June 1963. If so, how much?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, having noted the correction, on behalf of my Minister, I beg to reply. In the period of 1962/1963 the Board of Agriculture, Non-Scheduled Areas, as it was known then, made allocations of funds to the Lamu District which was responsible for the area. However, in 1960, the Coast Cotton Committee set up a revolving fund of Sh. 15,000 to finance advances against crops in the Lamu/Tani River District. Loans in the period in question were made to individuals up to a limit of approximately Sh. 100. These were short-term loans advanced without security to farmers to be recovered when their crops were harvested.

Mr. Komora: Mr. Speaker, Sir, arising from that reply, is the junior Minister aware that there is no farmer who has been granted any loan out of the funds which he has just mentioned?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, I am not aware of that. What I have learned is that the Agricultural Officer in this area has found it difficult to travel around because he has to travel about 275 miles by river and he could not travel and reach this area and bring the estimates to the authorities concerned. Maybe that is the reason why these people do not have any loans yet.

Mr. Komora: Mr. Speaker, arising from the Parliamentary Secretary's reply, would be therefore, with doubts in his mind, set up a committee to investigate this matter, and find out whether these moneys were given to the farmers or returned back to his Ministry?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, the Government would not set up an inquiry into this because we are satisfied that this money was lent out, and for this reason we had a deficit last year of Sh. 1,667/53 which has been written off as irrecoverable from these people.

Mr. Ngala: Arising from one of the replies by the Parliamentary Secretary, would he give a break-down of the Pokomo farmers, Wasanye farmers and the Waorma farmers who have received these loans?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Most of the loans have been given to the Wa-Pokomo farmers. The Wasanye farmers are hunters who have not asked for any loans and they were not given any. Waorma farmers are herdsmen, and they have not asked for any loans and have not been given any.

Mr. Kiprotich: If these loans were not given to anybody, Sir, could the junior Minister tell us how the write-off came in?

The Speaker (Mr. Slade): He did not say that they were not given to anyone.

Mr. Masinde: Arising from one of the Parliamentary Secretary's replies, could he tell us how many Wapokomos had a loan?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, the total number of people who had loans is not available at this moment. As I said in my previous reply, this area is very difficult for officers to travel in, and the amount which has been given is not a loan which is recoverable. We have been giving Sh. 100 to almost every farmer which is recovered at harvest when they sell their crop.

Mr. Mutiso: Arising from the Parliamentary Secretary's reply, would he agree with me that since there are no figures showing how many Wa-Pokomo received this loan and again this money has not been given back to the Government, there is not any money which was given in the form of loans to these farmers?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, I think I answered that question, that we did not

[The Parliamentary Secretary for Agriculture and Animal Husbandry] give any loans to these people. The money has been available to be lent to them on short terms of Sh. 100 which is recovered as they sell their crops, and that is kept in the register in that place.

The Speaker (Mr. Slade): I think this question is revolving about as much as the fund.

Question No. 68

ENLISTMENT OF YOUTHS INTO ARMY

Mr. Bala asked the Minister of State, Prime Minister's Office, if in view of the recent speeches made by the Prime Minister at Kakamega that youths would be absorbed into military services to replace the British Servicemen, he would tell the House when these youths would be enlisted?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to reply. Batches of 420 recruits will be enlisted to start training in April, August and December and a smaller batch of 160 will probably start in March 1965.

Mr. Bala: Mr. Speaker, I did not hear the reply from the Minister. Could he repeat it please?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I would ask the House to stay quiet while I am speaking.

The Speaker (Mr. Slade): You must speak up too.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, batches of 420 recruits will be enlisted to start training in April, August and December and a smaller batch of about 160 will probably start in March 1965.

Mr. Bala: Arising from the Minister's reply, could he tell the House how many Luo have been recruited into the Army so far?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I am afraid I do not have those figures. I would like to have notice from the Member.

Mr. Ngala: Arising from the reply by the Minister, could he explain the method of recruitment which will be used and secondly—

The Speaker (Mr. Slade): Only one question at a time, Mr. Ngala.

The Minister of State, Prime Minister's Office (Mr. Murumbi): The methods of recruitment are

laid down in Army regulations and if the hon. Member will read them he will find out.

Mr. Ngala: Arising from one of the replies by the Minister, Sir, could he give a programme of the recruiting teams and tours around the country?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I think I answered that question a few days ago in reply to another question.

Mr. Shikuku: Arising from the Minister's reply, could he tell the House whether the youths will be employed, all the youths in Kenya and not any particular section of the youths?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, if the hon. Member will multiply 420 by three and add 160 to that he will find we cannot absorb all the youths in Kenya.

Mr. Masinde: Mr. Speaker, arising from the Minister's reply, will he assure this House that the 420 youths to be employed will be divided among the regions which are existing?

The Minister of State, Prime Minister's Office (Mr. Murumbi): No, Sir.

Mr. Tanni: Mr. Speaker, Sir, would the Minister assure this House that there will be a fair distribution of recruitment centres as far as districts are concerned?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Yes, Sir.

Mr. Omweri: Mr. Speaker, will the Minister tell this House when the programme for further recruitment in the districts will be announced so that we will be able to tell our people at home?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, the Army will make an announcement in the paper. If he reads the paper he will find out.

Mr. Masinde: Mr. Speaker, arising from one of Minister's replies, will he assure this House that every district will get its quota as far as recruitment is concerned?

The Minister of State, Prime Minister's Office (Mr. Murumbi): No.

Mr. Ngala: On a point of order—

Mr. Tanni: Will the Minister tell the House how many of these 420 will be women?

The Minister of State, Prime Minister's Office (Mr. Murumbi): As far as I am aware, Mr. Speaker, there are no women in the Army at the moment.

Mr. Ngala: On a point of order, Mr. Speaker, Sir, is the Minister in order in referring hon. Members to papers for replies? A few days ago we were told that the Government is not working with the papers.

The Speaker (Mr. Slade): The Minister is entitled to refer hon. Members to a forthcoming official announcement. That is quite different from questioning the accuracy of Press reports, which can be done even during Question Time.

Mr. Oduya: On a point of order, what are these "jiggers" laughing at? Mr. Speaker, Sir, I was just finding out whether I could ask the Minister two supplementary questions.

The Speaker (Mr. Slade): No, I have said we must move on.

Mr. Kamunde: On a point of order, is the hon. Member in order in calling Members of this House "jiggers"?

The Speaker (Mr. Slade): I did not hear him, and perhaps it is just as well, Mr. Kamunde.

The Speaker (Mr. Slade): Mr. Mutiso, you have a question by private notice. I believe?

Mr. Mutiso: Yes, Sir.

QUESTION BY PRIVATE NOTICE

BAN ON POLITICAL MEETINGS

Mr. Mutiso asked the Prime Minister whether the Government would now allow public political meetings in Ukambani, so that elected representatives could have an opportunity of helping to stamp out illegal oath-taking in Ukambani?

The Prime Minister (Mr. Kenyatta): I beg to reply. The restrictions on meetings still stand.

Mr. Khasakhala: Mr. Speaker, Sir, would the Government reconsider this question as we are now in an independent Africa; it would be better if—

The Speaker (Mr. Slade): No, Mr. Khasakhala. You cannot make a speech like that.

Mr. Omar: Mr. Speaker, Sir, could the Prime Minister state the reasons why he thinks that the hon. Members in Ukambani should not hold these meetings and advise their constituents not to take oaths?

The Speaker (Mr. Slade): Did you hear the question, Mr. Kenyatta?

The Prime Minister (Mr. Kenyatta): He is asking the same question, I think, Sir.

Mr. Mutiso: Mr. Speaker, Sir, is the hon. Prime Minister aware that elected representatives could, to a great extent, help in helping the security situation in Ukambani, if the ban on meetings was lifted?

The Prime Minister (Mr. Kenyatta): Mr. Speaker, Sir, the police prosecutions are having a very good effect.

Mr. Kiprotich: Mr. Speaker, Sir, I should like to know from the Prime Minister what is the background of this illegal oath-taking in Ukambani?

The Prime Minister (Mr. Kenyatta): I do not think that comes into the question, Mr. Speaker.

Mr. Oduya: Mr. Speaker, Sir, as we very well know, and according to the previous report, in many parts—the Rift Valley and many other places—oathing is taking place. The Prime Minister himself and other Members toured the areas to tell people not to take oaths, and that has been told to the public. Would it be better for him to reconsider the position so as to allow the Members of the area to campaign and tell these people not to take oaths? That is the question we ask.

The Speaker (Mr. Slade): The Prime Minister has answered that question.

Mr. Ngala: Arising from the Prime Minister's reply, what conditions would the Prime Minister demand to be fulfilled before he is in a position to allow the Ukambani Members to hold such meetings, public meetings?

The Prime Minister (Mr. Kenyatta): When the times come, Mr. Speaker, Sir, I will—

Mr. Ngala: What conditions?

The Prime Minister (Mr. Kenyatta): No conditions. They are Government matters.

PERSONAL STATEMENT

WITHDRAWAL OF ALLEGATIONS

The Speaker (Mr. Slade): Mr. Kamau, I do not know whether you were wanting to make a personal statement today concerning substantiation?

Mr. Kamau: Mr. Speaker, Sir, as the time is very short, and the House might close very soon, I will withdraw the remark.

Mr. Ngala: Mr. Speaker, Sir, I rise to seek your guidance. The hon. Member made a very serious allegation against me personally yesterday, and in my view it is not just enough to withdraw it, particularly when it did indicate that he had changed his statements in the House, and also he had alleged that I was the cause of the Emergency, and therefore defamed my reputation. I would like your guidance in this matter. It is not just enough for hon. Members to be careless, and then withdraw at convenience.

The Speaker (Mr. Slade): As regards the alleged variation of what Mr. Kamau said yesterday, I have studied the HANSARD record, and I find that the words which he spoke originally were so similar to the words that he stated himself to have spoken afterwards as not to bring any blame upon him. Sometimes hon. Members cannot remember exactly what they have said a few moments ago, and the substance was the same. The substance in either case was that during the Emergency Mr. Ngala had helped to make it more difficult to deal with in effect; and then he went on to give his reason, which was that Mr. Ngala, during debates in this House, had opposed the release of detainees. When asked to substantiate that, he said he would produce HANSARD to prove it or withdraw. He has now withdrawn, and that is all he can be required to do by Standing Orders. Apologies rest with the conscience of Members, but I would support what Mr. Ngala says to this extent: that hon. Members must be very careful in making serious allegations against anyone, particularly other Members in this House. He has withdrawn, and that is the end of it now.

Mr. Komora: On a point of order. My point of order is in relation to the unsatisfactory replies given by the Parliamentary Secretary on Question No. 65—

The Speaker (Mr. Slade): It is too late, Mr. Komora. If you want to raise a matter on the Adjournment you can always give notice, at any time, but you cannot talk about it in this House after the question has gone by.

MOTION

CATTLE RAIDS COMPENSATION TO MASAI

Mr. ole Tips: Mr. Speaker, Sir, I beg to move:—

THAT this House views with great concern the incident that took place on the 12th January at Saigeri in the Kajjado District and urges the Government to pay compensation to the Masai who lost cattle during the raid by the Kikuyu.

Mr. Speaker, in introducing this Motion, I have no pleasure whatsoever in my heart, but I think it is one of those regrettable Motions which sometimes, somehow, one is compelled to introduce on the Floor of this House. The Motion, Mr. Speaker, is a very serious one and I hope that hon. Members will take it seriously and bear in mind that this was not an ordinary stock theft, as some Members would like it to be or would like to allege it to be. This is one of the incidents whereby a well-organized plan was instigated by a group of people somewhere to carry out an armed invasion on innocent people in Masai country.

Sir, we have heard on several occasions of the spirit of *Harambee*, which I believe everybody has agreed is in good keeping with what the African people of this country expect, but we must remember, and remember it constantly that you cannot build a nation, or build a house on team work, if you have a gang within the building party, which is engaged in demolishing whatever is constructed. Sir, to quote just a mere example—and I am glad that the hon. Member for Kikuyu is present in this House—his irresponsible utterances that he would lead a Kikuyu army into Masai country has led to a Kikuyu army invading and attacking the Masai and confiscating their cattle.

Sir, the effect of the hon. Member's utterances has incited and raised feelings of hostility.

Mr. Gatuguta: On a point of order, Mr. Speaker, is the Mover of the Motion in order in saying that I made utterances which provoked the people? Can he substantiate this?

The Speaker (Mr. Slade): You can ask him to substantiate.

Mr. ole Tips: Mr. Speaker, we hear a lot of this substantiation. All hon. Members if they are truthful, must have read what appeared in the papers, referring to himself to lead a Kikuyu army.

Mr. Gatuguta: Is the hon. Member in order in referring to these reports in the papers, when I am not responsible for these reports?

Mr. ole Tips: Did you refute them?

The Speaker (Mr. Slade): Order, order, Mr. Tips. You are one of the oldest Members of this House, you must know that when a point of order is raised, it is in the hands of the Speaker, and you must also learn to keep calm.

It is in order for an hon. Member, when asked to substantiate, to say he relies on a Press report. As I have explained on other occasions,

[The Speaker]

there is a Standing Order, which says that at Question Time hon. Members cannot ask as to the accuracy of Press reports; but that is only concerned with questions. When it comes to making allegations, and an hon. Member is asked to say why, one of the most common reasons is that he has seen it reported in the newspaper and it was not contradicted. Well, then, if there is an answer to that evidence, it can be given in due course. It is better, though, when referring to a Press report by way of substantiation to quote it specifically, so that the Member concerned can see exactly what the report was.

Mr. ole Tips: Thank you, Mr. Speaker, for your ruling. The cutting from the Press report is available, and if the hon. Member would care to read it, I will produce it for him.

Now, Mr. Speaker, I said that the hon. Member's utterances had the effect of enticing and raising the feeling of hostility among these people which led to the Kikuyu taking up arms to invade Masai country and to take 900 head of cattle.

I submit most strongly that such irresponsible and ostrich-like tactics are not in keeping with the spirit of *Harambee* and must be deplored and condemned by everybody who has the welfare and the well being of this country and our people at heart.

The hon. Member challenged me on a point of order to substantiate, but I would throw the ball at him and ask him whether, if by any chance he was misreported or misquoted, he took the opportunity of correcting the misquotation or misreport in this case. In fact, he did nothing of the sort. Also, surprisingly, the hon. Member is a leading Member and a very influential Member on the Government Benches, and I am surprised to note that no written statement, or condemnation whatsoever came from the responsible Government of this country about the misconduct of one of its Members.

Sir, I submit most strongly that if I were in a position of authority such a serious state of affairs would not be left to go unchallenged. I believe that the hon. Member would have been put behind iron bars in this case, if he were not very severely reprimanded or suspended from sitting on the Government Benches.

It is quite clear that we had an Elected Member representing this constituency before who is held in high esteem, not only by the Members of this House, but the country at large. Since the present hon. Member was elected to represent this particular constituency, the relationship between

the two bordering tribes has deteriorated very badly, and I think it is time we took stock and checked to see who the troublemaker is, so that we can repair the damage before it reaches a stage of non-repair.

Sir, having said that, the hon. Member will correct me if I am wrong when I say that it was only at the start of January when he and I met on the border at Ngong with representatives from the Central Region and the Rift Valley Region to try and find ways and means of calming down the tension which was rising between the two tribes. Of course, we undertook to do our utmost to put things right. What followed next was that on 12th January, 1964, an armed mob of between 200 and 300 Kikuyu raided Masai cattle at a place called Saiger; they penetrated right in over ten miles into Masai country and confiscated 890 head of cattle, 300 goats and 32 donkeys at a watering point. This livestock which was captured came from three Masai *manyattas* and belonged to nine Masai families.

Sir, the whole crux of the matter is that, apart from the four Masai herdsboys, there were six *morans*. The raiders were accompanied by three tribal policemen from the Central Region, one Kenya Police Constable, and the four policemen were armed with .303 rifles. When the six Masai *morans* tried to defend their cattle, eleven rounds of ammunition were fired at them by the policemen, but the six Masai had mingled with their livestock and the result was that four cows and one donkey were killed by rifle fire. This is a very clear indication that the police were no doubt aiding the raiders in driving away the Masai cattle, and I think this is a very serious allegation, Mr. Speaker. It can be proved by any impartial court or any court of inquiry. If the Government can give an assurance that if any evidence is given by those officers concerned—administration and the police—they will not be victimized; then we will get a very clear indication of what exactly took place.

I, myself, accompanied by my hon. colleague, the Member for Kajjado, visited the scene on 15th January because we wanted to find out about the situation and found that the tension was very high. At the same time, we warned our people against taking the law into their own hands. In fact, the police were busy, the tribal Masai elders were busy, trying to persuade the *morans* to retreat and not to retaliate. I, myself, and my friend from Kajjado, sent away a group of just over thirty *morans*. They had faith in us; they believed what we told them, that the matter was in the hands of a good Government and that carried weight.

[Mr. ole Tips]

It is also worth noting that on 13th January, well over 200 Masai, who were angered by the incident, were marching towards the Kikuyu/Masai border, and the General Service Unit, the police, the Administration and the tribal elders did a good job in going in between the two marching tribes and, thank God, they saw that this sort of thing could not happen in an independent Kenya.

After my visit with my friend, the Member for Kajiado, Mr. Oloitipiti, I reported the matter to the Minister for Home Affairs and the Prime Minister. The assurance I had from the Minister for Home Affairs (having reported this fully for well over one hour) was that he would talk to the Prime Minister and give me an answer. The answer I had, Sir, from the Minister for Home Affairs was that these destitute Masai, who had been deprived of their sole source of livelihood, would be supplied with *posho*. This *posho* was supplied, but the ugly part of this situation is that those calves which were left in the *homas* without their mothers died because of the shortage of milk, and those old cattle which were unable to move were slashed and maimed by these brutal raiders.

The main question, Sir, is this: we would like to be told what steps the Government has taken or intends to take to recover or to compensate the Masai, not only for the loss of their livestock but for this merciless aggression against innocent people, which deprived them of their only source of livelihood. The second question, Sir, is what action Government has taken or intends to take against the three tribal police and one Kenya Police constable who were completely disloyal to this African Government, in that they not only showed disrespect for law and order but also they helped and collaborated with the lawbreakers? In fact, they fired at the Masai, killing four cows and one donkey, and they helped the Kikuyu to confiscate the Masai cattle.

Sir, I strongly submit that it is quite unbelievable, and beyond any human imagination, for anybody who knows the area to think that a mob of between 200 and 300 men could walk such a distance, confiscate such a large number of cattle and move them, not by lorry but on the hoof, and that such a large number of invaders should be able to go through this semi-arid dusty country and pass unnoticed by the forces of law and order or by Government, for that matter, and disappear just like that.

An hon. Member: Like what?

Mr. ole Tips: Just disappear like a stone, if you understand the language.

So far, we have been told only 144 head of cattle, 3 goats and 14 donkeys have been recovered, and I would like to be told of an incident—even during the British Colonial rule—when such a large number of animals have been confiscated by an armed band and escaped without any trace, and without the culprits being punished and the raiders followed, and if found, shot dead, because they are enemies of the legitimate Government of the country.

We, on our side, did our best to tell our people not to retaliate, because we believed and still believe that the matter was in the safe hands of an African Government. We believe in peaceful settlement, and not in any retaliation measures which might cause a breach of the peace of this country to the detriment of everything we value most.

Now, Sir, two months have now elapsed. No results except the *posho* supplied by the Minister for Home Affairs to these starving Masai families, who, through no fault of theirs, have been deprived of their property. I would wish that those hon. Members, who take this as a laughing matter, were in the position of these Masai peoples. Sir, the Masai and their families, most sincerely and honestly, cannot be expected to wait any longer without drastic action being taken to make good the loss. The position is quite intolerable and I submit that this Government must act promptly and firmly, without fear or favour, before it is too late. It is a big security risk and, if anybody thinks that these people will just lie idle, then he is deceiving himself, and having one of those day dreams which I beseech him to forget.

Before I conclude, Sir, I would like to pay a word of tribute to the police from both Regions, the Central and the Rift, and also to the Administration and the tribal leaders, who worked day and night to prevent an ugly situation arising. We all owe much to those officers who worked in this way. The situation is so serious and I hope, as I said earlier, that hon. Members will become sensible and reasonable. We must throw away any tribalistic attitudes or approaches and judge this case entirely on its merits. I do submit, Mr. Speaker, that this is not a question for any hon. Member—as I can hear some on my left—to question. The facts are there and you can check them with the authorities concerned, they are in black and white. Sir, this Government, which has its own teething troubles which we are all out to help, does not have a chance if it does not punish these persons and see that it cannot be repeated. It cannot be played about with by anybody, because that day will be a very sad day for all of

[Mr. ole Tips]

us here in this country, and I, for one, do not believe that it lacks initiative. I do not believe for one moment that it can be intimidated by any tribe, no matter how big it is. I believe that, in this particular case, it has lacked initiative; it has more or less bowed to those people who have helped to start trouble in this country.

Now, Sir, having said that, I would like this Government to know that the Masai have paid thousands and thousands of pounds, not only to their African neighbouring tribes, but to the European farmers for compensation. When we demanded compensation for cattle stolen by the Kikuyu, towards the end of last year, amounting to well over Sh. 13,000, they turned a blind eye on us. When the tracks of stolen cattle were followed into our country over the years, the Government compelled us to pay compensation whether the case was proven or not. But this case is proven and we demand that people who were involved in this incident should pay compensation to the Masai. Mr. Speaker, Sir, I hope many Members will want to speak on this Motion. Let them speak and I beg to move my Motion.

Mr. arap Moi: Mr. Speaker, Sir, in seconding this Motion I wish to draw Government's attention to this very important Motion which, if taken too lightly, would have a very damaging effect on the Government's reputation. Indeed, the relationship between the Kikuyu and the Masai at the moment is deteriorating and had it not been that the Masai leaders restrained their people from taking any action, the situation would have ended in chaos. I see some Members taking this matter very lightly. Every tribe and every individual in this country is looking to the Government to be the safeguarding instrument for their property and themselves. I should like to say this. It is no use the Government turning a deaf ear on this vital issue. No leader, nobody who calls himself a leader, would like to take any action which would be looked upon as childish, as a step which would disregard individual safety.

[The Speaker (Mr. Slade) left the Chair]
[The Deputy Speaker (Mr. De Souza) took the Chair]

Mr. Deputy Speaker, I should like to point out that the Ministry of Home Affairs did not take this matter very seriously. I phoned the Director-General in the Ministry of Home Affairs and the reply I got at that time was that the Minister was busy, the Minister had gone out. I said, "When can I see him?" and I was told, "Oh, there is no possibility of it today, some other day." If the

Minister is not taking any steps in a very important matter which can affect many lives, then what is that Minister doing in the Government? Mr. Deputy Speaker, some Members, who possibly think they are part and parcel of the Government, are trying to undermine what we are trying to say, but it will reflect, this matter will reflect very badly on them. I would like to stress that the families of the people who have lost their cattle should be compensated, (a) because this raid was a very deliberate one. How on earth can a tribal policeman catch a wrongdoer if it was not deliberate? I want the Minister today to state in no uncertain terms that these policemen and the tribal policemen have been punished, and whether the Regional Commissioner of Police in the Central Region has been—

Mr. Ngala-Abok: Mr. Deputy Speaker, we are very interested in this Motion, and I personally was involved to a certain extent, but since the Mover of the Motion and the Seconder seem to be just talking on the surface, would the Seconder now give us the background to the reasons why the Kikuyu decided to move into the Masai District, rather than continuing talking on the surface?

The Deputy Speaker (Mr. De Souza): That is not strictly a point of order, though I can understand the hon. Member trying to raise it as a point of order. You are perfectly entitled, Mr. arap Moi, to make your speech as you think is correct, but on the other hand if you think it advisable to give hon. Members the background, you might be able to get a fairer reply.

Mr. arap Moi: Mr. Deputy Speaker, are these people blind to the obvious situation or what has happened? The Minister of the Government will tell them what has happened. It is not for me to tell the hon. Member whether the policemen have been arrested or punished. What I am telling the House is that these raids were deliberate ones in that four cattle—it was stated by the Mover—

Mr. Gatuguta: On a point of order, can the Seconder of this Motion actually substantiate this statement that the tribal police were actually helping the raiders? This is a very serious allegation and I think we need full evidence that they were helping the raiders. They have made this allegation, both of them.

The Deputy Speaker (Mr. De Souza): You must substantiate that statement. It is a very serious allegation on the police and you must say on what evidence you base the allegation.

Mr. arap Moi: Mr. Deputy Speaker, both the Mover of this Motion and I stated clearly that four cattle were shot when these *Moran* tried to chase these cattle. We were there, on the spot, and I think the Minister will tell the House exactly what happened to us in the Rift Valley Region and in the Central Region, and the difficulties with which we were faced, with all the leaders trying to count the people and the cattle—everything. These facts are clear and if anybody would like to say that I should substantiate the issue, then the Government would be on the black side in not wanting to know the whole thing.

The Deputy Speaker (Mr. De Souza): Mr. arap Moi, when you make a statement to say that the tribal police were helping the raiders, then you have to state on what basis, on what evidence, you base those allegations.

Mr. ole Tips: On a point of order, Mr. Deputy Speaker, I made the same allegation and no one queried it.

The Deputy Speaker (Mr. De Souza): That is not a point of order.

Mr. arap Moi: Mr. Deputy Speaker, if you are trying to ask me to substantiate the same point which was raised by the hon. Mover, me being the President of the Region, knowing the facts, if the House wishes, we will ask that a commission of inquiry, consisting of judges, should be set up to go into this matter. It is not a question of laughing, it is a very serious matter. If people are taking it lightly, Mr. Deputy Speaker, then they had better say so, and I would say that, if they are moving points of order in order to cloud the issue, then I must be told.

Mr. Malsori-Itumbo: On a point of order, Mr. Deputy Speaker, you have asked the President of the Rift Valley Region to substantiate things which he may have to quote from police records and so on to which he has access. Is it not enough that he has said that he is satisfied that those things did happen?

The Deputy Speaker (Mr. De Souza): Let me put it this way. If an hon. Member makes certain allegations; if he has evidence which, from the particular nature of it, for reasons of security, he would not like to disclose to the House, he can say so and the House would probably accept it, but that, in itself, is not normal practice—to allow any allegations to remain. Mr. arap Moi, when you say that Members are trying to cloud the issue; it is not so. On the contrary, when you make a serious allegation of the nature that you are making, then you must state on what facts or

basis you are making that allegation. If you really said that it was believed or people said so, it is different, but you are making a definite allegation that the tribal police were behind it. If you do not have proof, then you must substantiate it.

Mr. arap Moi: I said a policeman and if Members would like things disclosed which could jeopardise certain things which are confidential, these things will be known. Certain things are identified by the police and so I do not think, Mr. Deputy Speaker, that I should go any further and disclose other things which would make the relationship between the tribes deteriorate even more.

The Deputy Speaker (Mr. De Souza): We will accept that.

Mr. arap Moi: Thank you, Mr. Deputy Speaker. I end by saying that the Government should pull up its socks. The Government, if at all interested in the welfare of the country, should not undermine whatever is being said for the good of the country. We are all out to build Kenya but we are not out to build Kenya if people are not interested in the lives of our people.

(Question proposed)

Mr. Gatuguta: Mr. Deputy Speaker, Sir, I would like to say at the outset that this Motion is most unfortunate because it has been brought to this House at a time when we are trying to create good relations between the Masai and the Kikuyu. I would also like to say this: I do not agree with the Mover of this Motion when he tries to make this a tribal issue. This is not a tribal issue at all, it is a question between good citizens of this country and the robbers or thieves. It is not a question of tribes at all.

To comment on what has been said by the hon. Member, I do appreciate the fact that they feel very, very strongly about this issue because a certain number of cattle have been taken by the Kikuyu from the Masai country. But I think it is very unfortunate for the same Members not to have the same feelings for the Kikuyu who have lost their cattle to the Masai also. If somebody wants to be fair, and if somebody wants to be a spokesman of the people, as a man who can stand for justice and fair play, then he must not be one-sided. I cannot encourage the stealing of cattle either by the Kikuyu or the Masai. I would condemn the stealing of cattle either by the Kikuyu or the Masai. What I am interested in, now, is better relations between the Masai and the Kikuyu. I have made efforts to try and create those good relations and I have started

[Mr. Gatuguta] from the top, with the Masai leaders, and they have refused to co-operate with me on this issue. To give an example, on the 18th January, I had called a meeting, a joint meeting, between the Masai and the Kikuyu, where both of us could have stood on one platform and condemn stealing. But the Masai leaders refused to come to the meeting. How can we ever improve a situation where the leaders who are concerned, refuse to co-operate?

Mr. Deputy Speaker, Sir, may I give the background to this case? It is wrong for any Member of this House to come and talk of an incident that took place on the 12th January, without remembering that this case of stealing cattle has been going on between the Kikuyu and the Masai for many years. I cannot even remember how many years back it goes. The Masai have been constantly raiding the Kikuyu country for many years. Of late, it has become very serious. If I give you the figures, in 1962, the Masai stole 639 Kikuyu cattle, in 1963, the Masai stole 418 Kikuyu cattle, in 1963, one person was killed by the Masai raiders—this is in the police records—in 1964—that is this year, in only three months—the Masai have stolen 329 cattle, they have murdered two people, and they have very seriously injured three people who are still not fit. Mr. Deputy Speaker, on the 1st January this year the Masai raiders came to the Kikuyu country at Gikambwa. They murdered two people, stole their cattle and injured three people. The Kikuyu were so provoked by this incident that on the following day they wanted to march into the Masai country and fight the Masai. I was responsible for stopping this march. Here I am being accused of having been responsible for the incident of the 12th January, whereas I had actually stopped an incident of a similar nature on the 2nd January. After these murders you can all imagine what was the feeling of the people there. One of the men who was murdered on the 1st January was a teacher, he used to teach deaf and dumb children, and today these children have no teacher any more, and they will not have one for long time. The other people were treated in the hospital and they are still not fit today. On the 12th January, this incident the hon. Member is talking about, in spite of the Masai having killed two people, having injured three people, having stolen a number of cattle, they tried to march into the Kikuyu country, and take more cattle and kill more people. Surely, the Kikuyu were not going to tolerate this, nobody would tolerate it. You cannot tell me that you must follow the Bible. When somebody slaps you on this cheek,

you turn round and slap him on the other, I must say this: it was very, very unfortunate that the Kikuyu had to retaliate. I do not support this. I think it was very unfortunate that this happened, but one must understand human feelings. Human beings are human beings, they like to retaliate when they are done wrong. Now, if these sort of things are to stop, Mr. Deputy Speaker, I think it is the duty of the Masai leaders, as good citizens of this country, to talk to the Masai people and tell them that they have to live with other human beings in a peaceful manner. Mr. Deputy Speaker, this is not only a problem between the Kikuyu and the Masai. This is a problem between the Masai and the Akamba, it is a problem between the Masai and everyone else in country. We must try to find out how we can solve this problem through peaceful means, but we must not come to this House and try to pretend this or that, and try to demand compensation.

If there is any question of compensation at all, the Government must be ready to pay compensation to the families of the people killed. That is the first thing. There is no compensation for cattle, and I myself would also say that there has been an exaggeration on this case. 900 cattle were never stolen by the Kikuyu. If this 900— from the speech of the Mover, from the speech of the Seconder—were stolen, where is the evidence? My case is that between 200 and 300 cattle, from the reports of the police, were stolen, out of which about 150 have been recovered. So, they should come out with the facts.

[The Deputy Speaker (Mr. De Souza) left the Chair.]

[The Speaker (Mr. Studd) took the Chair.]

Sir, these people who are trying to champion the cause of their people are absolutely ignorant of the facts. They cannot even substantiate one single statement they have made. Now, on this question of the tribal police helping the raiders: How can the police help the raiders and yet the same police are the people who have been able to recover about 150 head of cattle? This is a very, very serious allegation and you have not been able to prove it. I would say that an allegation like this about the police is very serious in view of the fact that the police in this area have done good work, day and night, trying to stop this type of raid. They have been doing everything possible to try and stop them, and yet they are being accused like this. I think it is very unfair.

What actually happened, for the interest of hon. Members, is that on the 12th January, when this incident took place, the Masai had come into

[Mr. Gatuguta]

the Kikuyu country and tried to steal some cattle. Then, because it was believed that they had taken some cattle with them, the tribal police, whose duty it was to protect the people and their cattle, followed the tracks of the cattle into the Masai country and when they reached there, Sir, they found some Masai *moran* who ran away. Because these *moran* ran away they suspected that they were the thieves and that is why the tribal police were there and the tribal police were accompanied by these people, by the local people. The idea was that they should follow the tracks of the cattle stolen by the Masai. When the Moran ran away the tribal police followed them. They followed them turning and the people who were with the tribal police refused to follow the police and went in another direction and took the cattle. So, under the circumstances, if these are the facts, can we then listen to someone telling us that the police accompanied the raiders? That is not true, and again the important fact, remember, is that these people were following their own cattle. They had no intention at all of taking the Masai cattle, but when they failed to get their own because they did not know where the Masai had gone with them, then they decided to take Masai cattle and decided that they would give them back if the Masai returned their cattle. That was the position, and we must realize this, Mr. Speaker. Our position is to create good relations.

Mr. ole Ololotipit: Mr. Speaker, Sir, thank you very much for giving me this chance. This being my constituency, I will stand up in this House and speak nothing but the truth. I want it to be noted, not only by this House, but by the whole country of Kenya, that there has never been any incident like this one when the Kikuyu have raided the Masai cattle and 900 or 800 have been stolen. This is the first time that the Kikuyu have raided the Masai cattle and up to date they are still raiding. Mr. Speaker, Sir, it is not because the Masai are not capable of recovering their cattle from the Kikuyu; but because the Government is headed by a Kikuyu. The raid included Security Forces who opened fire on the Masai. It is a shame on the Government which did this. I assure the House, first of all, Sir, that it is because this Government is headed by a Kikuyu, that is why our cattle have not been recovered up to date. I will prove it, Mr. Speaker.

First of all, if the Member said that the police were not involved in this matter, it is absolute rubbish. The cattle which were shot were examined by the police who agreed that they were shot by bullets and no one had bullets but

the tribal police from Kikuyu and the one constable, and here we have a Member who comes to tell us that we cannot prove one point. I would like to tell the House that it is in the police records and if the Member wants me to prove this, I can prove it this evening. It is in the record that the three tribal police from Kikuyu and the one constable were in that raid. Therefore, Mr. Speaker, the Member cannot stand up and tell us that we cannot prove this. I call him a liar, and that is one thing I would like to make quite clear.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Speaker, I seek your guidance. Is an hon. Member entitled in this House to call another hon. Member a liar without having to withdraw it?

The Speaker (Mr. Slade): No, it is not in order to use such words—you may refute or disagree with statements of fact, but you must not be personal in your remarks about hon. Members.

Mr. ole Ololotipit: I withdraw, Mr. Speaker, if I have to.

Mr. Gachago: Can he substantiate that, that the Government is behind that, Mr. Speaker?

The Speaker (Mr. Slade): Order, order, you can ask him to substantiate, but you cannot start arguing with him. He has actually said that, but he is giving reasons for the allegation and he proposes to do this now.

Mr. ole Ololotipit: I will give my reasons. I said the Government is headed by Kikuyu; and no one can deny that. The second reason is this: when this incident took place we, the elected members from Masai and Samburu, joined together and sent a memorandum to the Prime Minister of Kenya which up to now he has not referred to. If I say it is so, it is because I know it is the duty of the Prime Minister or any Minister concerned if there is such a serious letter from such people he should refer to it, but because he did not want to take any action in this, he has not replied up to now. That is one point.

Mr. Speaker, Sir, going on to the second point which the Member for Kikuyu also alleged here, that he called for a conference. We are not children. We are mature people. He called this conference after he had done what he wanted—that is, leading a raid into Masai land. How could we participate in this conference when we were busy stopping our people from launching a counter-attack?

Mr. Gatuguta: On a point of order, Sir, could the hon. Member substantiate the statement that I led the raid into the Masai country?

Mr. ole Ololotipit: Yes, Sir. When I first stood in this House I said I was going to speak nothing but the truth. It was on the 26th December when one teacher was killed and one Kikuyu was killed by Masai thieves. This was put in the Press and he said that he would lead an armed raid into Masai land personally and I can bring the facts, and if he does not believe me himself, Sir—

The Speaker (Mr. Slade): Order, order. Just keep calm. You have said that he actually led a raid, and you are being asked to substantiate that now.

Mr. ole Ololotipit: Mr. Speaker, Sir, I being a leader of my people, if I put in the Press and tell my people that I will do it, what will they do? He put it in the Press that he was going to do it and it was read by everyone.

The Speaker (Mr. Slade): That is not a convincing substantiation, and you know it, Mr. Ololotipit, you must withdraw that he actually led the raid.

Mr. ole Ololotipit: I withdraw, Sir.

Mr. Gachago: Mr. Speaker, Sir, I am not satisfied with his substantiation.

The Speaker (Mr. Slade): He has withdrawn.

Mr. Gachago: Not this one, but his allegation that he—

The Speaker (Mr. Slade): He has not finished yet, he is still explaining why he said that.

Mr. ole Ololotipit: Mr. Speaker, Sir, when I come to the third point, as to why I said so, it is this. The hon. Member, Mr. Gatuguta is a leader and is on the Government side, the Government of Kenya which is ruling the country today. When he made this statement in the Press, not a single Member, not a single Minister from the very Government refuted it.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): How do you know?

Mr. ole Ololotipit: I know because I am always here, and I am a politician and I read the papers day and night. When the hon. Minister for Information and Broadcasting asked me how I know, I am not surprised. The hon. Member for Narok West, when he reported this incident to the Press, again he was refused.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): By whom?

Mr. ole Ololotipit: By the Press which you control. Mr. Speaker, Sir, I have spoken about this before and it is normally known in this country that not only the Masai but other African tribes used to raid each other. There is no argument about this. We have always settled such small affairs amongst ourselves. We have boundaries, Kikuyu and Masai boundaries and we have a boundary committee. The number of the cattle Mr. Gatuguta has been quoting here we pay them and they pay us too; but the reason why we brought this Motion today, and I want this to be clear to the Members, is that if it were only the Kikuyu who went there for an ordinary thing, no one would bring this Motion. But because the Government put security forces, which are supposed to keep law and order in this country, and they were involved in this matter, we think that it was a deliberate attack and it is by the Government, and therefore the Masai people should be compensated by the Government—

The Speaker (Mr. Slade): You have had your time.

Mr. Gachago: Mr. Speaker, Sir, needless to say, I stand to oppose this Motion very strongly. It is very unfortunate that a Motion like this should come to the House and should be brought by an hon. Member who realizes that the same people he is trying to protect are the cause of the trouble we are having in that area. Due to the hostilities of the Masai, due to their aggressive nature, time and time again they have offended the Kikuyu in that area, they have offended the Wakamba and time and time again they have offended other tribes. They have even offended the Kisii at times.

The Speaker (Mr. Slade): This is not relevant.

Mr. Gachago: I will make another point, Mr. Speaker, Sir.

The Speaker (Mr. Slade): Keep to the Motion more closely. I know we have to discuss the circumstances surrounding this Motion, but not other faults of the Masai.

Mr. Gachago: What I am going to say is that as a result of the hostility and aggression, the Masai have suffered the loss of their cattle, and the Government will not be responsible for property lost by people of any tribe, because of their own aggression, and because of their own hostilities to other tribes.

[Mr. Gachago]

Mr. Speaker, Sir, it has been stated that it is because the Government is headed by Kikuyu that the Masai cattle is raided and stolen. I take a very serious view of this because the Head of this Government is the Prime Minister, and if, the hon. Member, by saying that it is because the Government is headed by the Kikuyu, he meant that the Prime Minister is a part and parcel of these raids, there can never have been a more shameful utterance than that in this House. I hope before long, this hon. Member will stand to apologize to the Government and the Prime Minister. The hon. Member who brought this Motion was well aware that it is because of these peoples' hostility that they are reaping the harvest of their cattle being raided. So, Mr. Speaker, Sir, this Member and the other hon. Member who has just been speaking has the responsibility of educating the Masai and teaching them that it is wrong to keep on stealing cattle from other people to keep on raiding other tribes. We want to live in peace, but because of the Masai people other neighbouring tribes can never live in peace and the Government is expected to take responsibility. It is the duty of the hon. Member—the very member who brought this Motion, the hon. Member for that area to go back to his constituents and teach the Masai that Kenya, although it is independent, although it is an African Government, it is not going to entertain any hostility of the Masai or of any other tribe.

Mr. Speaker, Sir, some criticism has been levelled at the Police. What I am wondering is whether the hon. speaker wanted the Police to sit back and see the Masai and, just because the Government is headed by the Kikuyu the Masai get great pleasure from raiding the Kikuyu and killing their cattle as and when they wish. Anybody who is of that opinion in this House the best thing he can do is to resign, go back to the Masai lands and start teaching his people and then come back to this House when he has taught them properly.

We have been told in this House, Mr. Speaker, Sir, that 900 head of cattle were stolen from the Masai by the Kikuyu. According to my knowledge of the Kikuyu country and especially the area concerned, nowhere can one keep 900 head of cattle. If the hon. Member was telling the House that all these cattle were stolen, slaughtered and then eaten, then it must have been a very big feast and the whole world should have known about it.

Mr. Speaker, Sir, the Masai may be relying on the olden times when they were called heroes, the

big fighters in this country, that may have been within the limits of the teaching of the Masai, but now we think as Kenyans, and if you think as a Kenyan it is very wrong for anybody to sit contentedly and think of the Masai as big braves. If they raid other tribes they must expect the other tribes to retaliate and repel the raid. They will fight back before the police are called and any tribe would be very weak if they did not fight back when they are attacked by the Masai. So what the hon. Members should do to help their people and help the Government is not to come to this House and move a Motion asking the Government to compensate the Masai because of losses arising out of their own irresponsibility, from the irresponsibility of their Members in not educating them. Instead, Mr. Speaker, Sir, I would advise the hon. Members from that area to go back instead of spending time here bringing to this House a Motion that will not help their tribe and also will not help the Government of this country. They should go back to Masailand and tell them, "Gentlemen, it is wrong to steal Kikuyu cattle, it is wrong to raid everybody." Mr. Speaker, Sir, this is their duty and they cannot deny that this is not so and if they came to me when the House rises I would give them a programme of how to go round and teach their people.

Mr. ole Olotipitip: Have you taught your people?

Mr. Gachago: We have taught our people because they do not raid you. Mr. Speaker, Sir, I would even question the Government with regard to the supply of *posho* they give these people. Of course, it might have been necessary to help those people who might otherwise have died from starvation, but considering their irresponsible actions which gave rise to the loss of their cattle, the hon. Member who moved this Motion, instead of asking for compensation, should thank the Government and thank God that he has that *posho* for his people. Instead of following the Government up, I would ask the Government to withdraw any help and tell the Masai that it is wrong to raid other people and provoke other people.

Mr. Speaker, Sir, if you do not know who I am, I am the hon. Member for Kiharu. Instead of compensating the Masai because of their own irresponsibility, I should say that Government should consider compensating the Kikuyu who fought to free this country—

Hon. Members: Shame, shame.

The Speaker (Mr. Slade): Order, order. Mr. Gachago, that is quite irrelevant to this Motion and your time is up anyway.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I thank the Mover of this Motion for some of the nice remarks which he made about the police and the Administration, because at the end of his speech he paid tribute to the part played by the police and the Administration in trying to investigate and also to recover any lost cattle in this particular unhappy incident. I do agree with him that the losses from these frequent raids which occur in many parts of the country, which occur particularly between the Turkana and Karamajong, and even between tribes near the Ethiopian border and Kenya, and also this afternoon we have heard of the question of Akamba and the Somalis. This is so common all over the country that I am sure that all hon. Members would like such unhappy incidents which cause disharmony among various tribes in different places to be discontinued. I also agree with him that this particular incident was also a very unfortunate one, but the Government has taken a very serious view of this. I am very sorry that some Members from the opposite benches were under the impression that the Government did not take a very serious view of this, but I can assure them that the Government does, and still is, taking a serious view of this. I would not like to mention what is still going on because I know that the Government's investigation is still going on very intensively and I am sure that the hon. Mover of this Motion knows what the Government has done in recovering some of the lost cattle and also the action which Government has taken to help those people who were left destitute, and he must know that there is always a limit to what the Government can do. We are still taking all steps possible—investigations are still going on; the culprits, when caught, will be severely dealt with according to what has happened, and they should not in any way be under the impression that the Government is not doing its task. We are doing our part.

Let me say that in the end I cannot very well find myself agreeing with him that the best method of avoiding these frequent raids, which occur from place to place, that the best way of stopping them will be to compensate those whose cattle or whose property has been taken, because as soon as we begin that it will mean that we are trying to encourage those wrongdoers or those people who are out to raid. I am sure that it will only help to encourage some of these youngsters who seem to be prone to such criminal offences to go and do more, knowing very well that those who remain behind will be compensated. Anyway, where will Government obtain the money to do so? How will the Government do it? I am sure that what he would like us to do is that we should do our best

by investigations, and all those criminals, if they are caught, should be very severely punished. I think that will act as a deterrent.

With this explanation I hope that the Mover of this Motion—although he moved it with that spirit, also I can understand his feelings and the feelings of his people whom he represents, I can assure him this is one of the things which the Government is doing its best to see in what way this can be stopped for all time and not only piecemeal.

With this explanation, I am sure, he will agree with me it would be very difficult for the Government to support the Motion because, in supporting the Motion he can also understand the position in which he is putting us. Therefore, I would only ask him that having expressed his opinion sincerely and forcefully, as usual, he would be very well advised if he were to withdraw the Motion and let us continue with our own investigations and also to see what we can do. With these few remarks, Mr. Speaker, I do not find my way to supporting the Motion.

The Speaker (Mr. Slade): I would prefer it if all hon. Members would remain seated until the Member speaking has nearly finished his speech—and also when I am speaking, Mr. Rurumban, you do not deserve it, but I call you now.

Mr. Rurumban: Mr. Speaker, I support the Motion. I am also happy to support this Motion because I represent the people who are the victims of such raids. Mr. Speaker, the House understood the feeling of the Mover, and I feel that the House was sympathetic towards the sad plight of that section of Masai when they were deprived of their livestock. It is obvious that since we attained independence, the incidence of raids has gone up; they are a daily occurrence. Such incidents and other similar activities have upset the morale of the Masai and Samburu, and they have caused the loss of peace and national unity; these have been foreseen for the philosophy of fear and reprisal.

It is known that the Masai depend on a cattle economy, in that if they are deprived of their cattle, they have no other alternative except to perish.

I am very sorry, Mr. Speaker, that some hon. Members have taken this Motion so lightly.

Bearing that in mind, those Masai whose cattle were taken by the neighbouring tribe, were put into a terrible position and are rendered impoverished. I believe that people's property is protected by law. Anybody of any tribe who contravenes the law is punishable by that law.

[Mr. Rurumban]

It is my contention, Mr. Speaker, that the Kenya Government could reduce the number of such incidents, and I was surprised to hear the Government Minister saying that he does not know the best way of preventing such raids. If the Government were really to punish culprits very severely, when they are apprehended, and make them compensate the other people for the property they have deprived them of, we could reduce the number of such incidents. If the actual culprits are not apprehended, where do they live? They live among us; we know whom they are. The community or the tribe suspected should be punished. A communal fine could be imposed on them. This is always happening in other districts. It is not something without precedent. If such a communal fine could be imposed on the community or tribe, it would reduce the raids, because the innocent would reveal the actual culprits in order to save their property or to set themselves free of complicity. Such a communal fine would also discourage the tribe if they were thinking of retaliation. It would also discourage raiding. I am sure that if the Government were to follow that policy we would easily reduce the number of stock raids in this country.

Mr. Speaker, it behoves this Government to have strict national sovereignty. It behoves this Government to strengthen nationhood, and by all means to prevent friction and clashes. It can also help by education and propaganda in the right sense of the word, so that people can understand the meaning of independence. I said at first that our tribes were the victims of raids, particularly my tribe, and they have now come to think that independence is an empty word. I am sure that if the Government could follow the steps I have indicated, we could reduce the raids in the country.

With these few words, I beg to support.

Mr. Ngeli: Mr. Speaker, I stand to oppose this Motion, not from the factual point of view, because I do not think that is within the scope of the Motion, and I shall leave it to the police to investigate and with the Government, whatever findings are revealed. However, Mr. Speaker, I hope you will allow me to do so, because I may wander a little outside the Motion to speak of something which I think is in the interests of this House—if I may be allowed to say so, because I am not casting any doubts on the political acumen or experience of the Members of this House—and which to my way of thinking may be a little dangerous in the spirit of *Harambee* which we are all trying to follow so that we can build a new nation in Kenya.

We know very well that there are these politicians, who are known by experience, called tribal politicians. They thrive on things which are explosive. I am saying this because this House has been a place where tribalism has been manufactured. Everything which comes to this House must have a tribal touch to it, if I may say so. I think this is a very cheap technique of these politicians, that they should exploit an explosive situation. I am saying this with regard to Kenya, and if I am accused of this I would say that Kenya is leading Africa, but that at the moment it is degrading because of the utterances which come from this House. We speak of nothing but tribalism, instead of thinking of national development, of thinking about those poor Africans who are suffering. We waste time and public money in speaking about tribalism, this tribe against that tribe, and that tribe against this. I am saying this, with due respect, because of the accusation which has been levelled against the Minister for Home Affairs, who is my great friend, and as he is the Minister for Home Affairs he has said that in this affair he did not want the Kikuyu culprit brought to law. My own submission is that this would have gone through the usual course of the law to try and find out who these raiders were, who these people were who took the Masai cattle, and then punish them. There has been a suggestion—

An hon. Member: Communal fines!

Mr. Ngeli: If you will allow me to speak, my hon. friend, you will hear a little logic. It has been alleged that we must punish the whole community. You cannot punish anybody and everybody. It is the court which is going to punish those people. We have evidence which is going to be given to the courts that these are the people who carried out the raids. This is a very clear case which could have been taken, and I think it is being taken because the Minister for Home Affairs has assured us that the investigations are still being carried out. If we are to live on sentiment, on emotion, or tribalism, because in the House if we speak about tribes then we are going to be forced back to this House. It is a policy which cannot be accepted, at all, because it is against the national development of this country. That is what they say, and not what I say and it is quite a different thing. If you are to thrive on tribalism, it is a very dangerous move, because everything you bring here based on tribalism, if it is factual, is bound to be opposed because this is a National Assembly and not a tribal assembly.

Therefore, what I am trying to say is this. If my friend would listen, I think it would be wise. There is a President of a Regional Assembly who

Mr. Motion—

[Mr. Ngeli]

should know what happened. Instead of coming to this House and telling us so many things, he should have gone to the Minister for Home Affairs and discussed this.

An hon. Member: Communal fines!

Mr. Ngeli: Will you please wait for me to speak, my hon. friend. Mr. Speaker, if my hon. friends could be a little patient, they would hear what I am trying to drive at.

It would have been right for the President of the Rift Valley Region to go and see the hon. Minister for Home Affairs and discuss this business on a Government level, rather than having Masai versus Kikuyu, which some of us are not prepared to support. It is known now that some people are trying to exploit tribalism. There is this tribe, there is that tribe, some say, "Help me so that I may do this." We are not going to allow this House to be made into a tribal assembly; we are going to see these things from the National point of view, and that is very important.

Therefore, Mr. Speaker, I am opposing this Motion, because not only do I think it is tribally written, but also it has tribal affiliations in it and has bad motives. I beg to oppose the Motion.

Mr. Shikuku: Mr. Speaker, Sir, I rise to support this Motion, not because it happens to come from someone I know, but because it has truth in it. All those who pretend to be talking nationally in this House are the biggest tribalists. The last speaker is the Leader of the Akamba, and I do not recall any time when he has ever denied that he was not the leader of the Akamba. He says it, because it suits him to say it, and then off he goes.

Here is a problem, Mr. Speaker. Some hon. Members have already indicated that there is no need for the Government to compensate these people because it was their responsibility, because the cattle were taken, they also take cattle of other people. The position is this, Mr. Speaker. Are we going to accept the fact that some other people's property can be taken and nobody can say anything about it, because if they dare say anything about it, they are called tribalistic? Who is not a tribalist here? All the Members here, Mr. Speaker, if I may say, are tribalists because their very names show it. Mr. Speaker, we cannot shirk our responsibility on this issue simply because we want to say something big in order to look big when, in fact, we are even smaller. It is surprising that the recovery of these head of cattle have so far not been all that encouraging, but nevertheless it must be accepted that the police are doing their job. If they are

doing their job, I think the citizens, if they are all that sincere and behind the *Harambee* spirit, and had meant the *Harambee* spirit, would have helped the police to recover more than they have done so far. This shows that they are only speaking *Harambee* on their lips, but in their hearts it is a different thing. As a matter of fact it should be called *Harambi* which is a Swahili word meaning, "Make sure that he does not learn it." Mr. Speaker, Sir, one of the hon. Members, Mr. Gachago, asked how the policemen could sit back and see the cattle being raided. It is stated that on that day between two and three hundred people invaded and raided the cattle of the Masai, but when the *morani* tried to defend them they were shot at. Unfortunately—according to them it is unfortunate—some of the head of cattle and donkeys were shot, and these people made off with the cattle. I do not think these nine hundred head of cattle were in Kikuyu land, where the police were trying to shoot the Masai, because they were raiding the Kikuyu cattle. It was in Masai land, so that does not seem logical at all. The hon. Member is already out, I wish he were here so that I could tell him this. It is not logical at all because this incident took place in Masai land, and therefore there is no question of police having to protect other people, because they shot those who invaded. It is absurd, Mr. Speaker, that the Minister for Home Affairs, for whom I have great respect, has indicated in this Motion that—I think he made a mistake in his statement, and as I can see him nodding his head, I think he is in agreement with me—the Government was not prepared to look into the question of compensation. I feel that I should not talk in terms of compensation as such just for the sake of it but any hon. Member should take into account that the Masai are one of the backward tribes in Kenya, and they do not have any other means of livelihood other than the cattle. It is just like taking all the fish and all the *Ugali* from the Luo, and they will find that they will find it difficult to live. It should be taken in this spirit, Mr. Speaker, that we should talk in terms of compensation, not because their cattle were stolen, but because we have to provide a livelihood for them. It is just like the hon. friend of mine who is a Kikuyu said—the Kikuyu tribe are my friends—if you took all the *posho* away from them you have rendered them helpless unto death. Therefore, Mr. Speaker, these people who raided the other people have got an alternative as far as their livelihood is concerned, but the people who were raided have no other livelihood apart from their cattle, and I feel that this is a genuine case and should not be covered by mere

[Mr. Shikuku] nationalistic speeches in this House when in actual fact, even in the Civil Service and in every respect, this very Government is tribalistic. The Cabinet is also tribalistic, so I do not see any reason why we should pretend to talk big just because we want to catch the Press tomorrow of the following day when in actual fact we are evading what is true. I believe that we can only build the nation, Mr. Speaker, by facing reality and accepting the difficulties of other tribes however small they are. That is the only way, not by taking everything and minimizing the difficulties of one person or a few. We are not the only people who are tribalistic. Even in the United Kingdom the people are tribalistic. Therefore, I am not advocating tribalism as such, but we must accept the fact that it exists but it should not be practiced to cover the national issue. If we are looking for *Harambee* the golden rule should be that we are going to take into account every man in this country regardless of his tribe or his affiliation or his colour.

I have only one other point to mention—

Hon. Members: Time, time!

Mr. Shikuku: There is no need to shout time, because I am sure we have a very able Clerk here who will warn me. They are only worried about what I am going to say next.

The other point I would like to mention, Mr. Speaker, is that whether this Government likes it or not, a Kenya nation will never come about so long as the Government continues to overlook or reject whatever Motion or Motions that are brought here by Elected Members who are representatives of their people. I remember some time ago, when I used to sit in the public gallery of this very House, and watched the African Elected Members—who were eight at that time, the Minister for Home Affairs and Mr. Ngala being two of them—move Motions in this House, but such Motions were always rejected or voted out. The result now is that the white faces are all out and we have the black, and if this House is going to belittle any Motions moved by Elected Members, the Government will also find itself out.

With these few remarks, Mr. Speaker, I beg to support.

The Speaker (Mr. Slade): Mr. Mbogoh. Other hon. Members might have been called if they had not been so fast to stand before the previous speaker was seated.

Mr. Mbogoh: Mr. Speaker, I do not think this Motion should have ever been brought to this

House. The reason why I say this is because when the hon. Member brought this Motion, I am sure that what he was talking about was not what he believed. He was only exaggerating things so that people might be moved by the fact that they may receive compensation.

Mr. ole Ololthipit: Question!

Mr. Mbogoh: Although they call it a raid, I would call it a "feast of stolen cattle," if that is what they want me to call it. If they bring the beasts here, I feel that it should be something different. It has been an old custom of the Masai to steal cattle from other tribes including all their neighbours. It need not be brought here, it should be settled as these things have been settled before. It should not be brought into the House to show that they are tribalistic. One thing which I would like to tell the Masai who have been bringing this Motion here is that if they themselves should feel that the Masai cattle should not be raided, and I think the best thing is to teach them first of all to be farmers and then they should be organized, and when they are organized they will have their cattle well fenced in. I am sure that nobody will then come and raid them and spoil their civilization, but when they stay out of civilization and stand on one leg, I feel that they will not be safe. Mr. Speaker, Sir, there seems to be a two-way traffic in this case, because first of all the Masai started these raids. Then when they did it obviously the Kikuyu had to retaliate. I am not supporting the raiders of cattle. I am suggesting that those people who start these raids should be disciplined instead of the Members shouting here that they should be compensated. If this Government is to compensate any thief who goes and steals people's things, is that not encouraging theft in the country? What is the use of this Motion in that case? Mr. Speaker, rehabilitation is needed for the Masai so that they can sit down and stop raiding other people so that their neighbours cannot shout again that they have been raided. Mr. Speaker, what one of the Members said when he was speaking was that this has been the first time that the Kikuyu have raided Masai cattle, and this implies that many a time the Masai have been raiding the Kikuyu cattle without anybody having taken notice of them. In this case let us forget about it as it is the first time. If there are any other raids the Masai will go to the Kikuyu for compensation. I would like to point out that the hon. Member for Kikuyu stated quite categorically that he has called the Masai to come and hold a *baraza* and

An hon. Member: After the raid.

Mr. Mbogoh: That is all right because you cannot call the *baraza* before the raid. Mr. Speaker, I believe, and I take it as a fact, that if the Masai will sit down with the Kikuyu and discuss this problem without making it a national issue—it is a very small thing to call a national issue—I believe that everything will be good and this country of ours will progress, and the Masai will learn a lesson that things will not go on just as they like.

With these few remarks, Mr. Speaker, I beg to oppose the Motion.

The Speaker (Mr. Slade): Order, order, I must now call upon the Mover to reply.

Mr. ole Tiptis: Mr. Speaker, Sir—if only the hon. Member will be quiet, patient and honourable—I can reply to him instead of running away like a coward.

The Speaker (Mr. Slade): Order, order. Be careful with your language, Mr. Tiptis.

Mr. ole Tiptis: I withdraw that, Sir, but he deserved it.

Mr. Anyieni: In view of the fact that I do not have the chance to speak, I am going away, regarding me as a coward—

The Speaker (Mr. Slade): No, he is not.

Mr. Anyieni: He should withdraw it.

The Speaker (Mr. Slade): He has withdrawn it.

Mr. ole Tiptis: I would like to say right from the start, that it will be very unfortunate if we try and confuse two things together, that is the issue—ordinary stock theft committed by those criminals who delight in stealing other people's cattle. This, Mr. Speaker, was not an ordinary stock theft, it was a well planned and instigated invasion on an innocent people. The hon. Member for Kiambu, as usual, tried to defend himself by stating that it was the Masai who started the game. He did allege that the Masai stole the Kikuyu cattle first.

The Speaker (Mr. Slade): What is this, a point of order?

Mr. Gatuguta: Is the hon. Mover for the Motion right in referring to me as the Member for Kiambu? I am the Member for Kikuyu.

Mr. ole Tiptis: I beg your pardon, Mr. Gatuguta. You are the hon. Member for Kikuyu.

Of course, Sir, it is clear that this was a false alarm arranged by the Kikuyu trying to pretend

that their cattle were stolen. The police investigations state so clearly—and I challenge the Minister for Home Affairs to correct me if I am wrong—that there were not any cattle whatsoever stolen prior to this incident by the Masai. So they have no excuse whatsoever.

The Minister for Home Affairs (Mr. Odinga): Will the hon. Member give way?

Mr. ole Tiptis: He did try to defend himself by saying that we were unco-operative. Of course, Mr. Speaker, I said in my last statement that I was attending these meetings and, of course, I intended to, but what my hon. friend did was to create a situation which I found very difficult to attend, as a person under duress.

I gave him all the co-operation, extended my friendly arms, and then he goes and upsets it by stirring up trouble. If it was a question of quoting figures of Kikuyu cattle stolen by the Masai, why did he not quote figures of Masai cattle? Usually he is very evasive in his way. He did not quote, Mr. Speaker, the figure of Masai cattle stolen by his brothers and his constituents. He does not know they are in the records in the Government offices ready to be taken.

Sir, there has been a very serious allegation made here, and I base my argument on actual fact. I hope the Minister for Home Affairs is listening instead of having private talks. The Administration officers admit it; that there were three tribal police constables from the Central Region who were among the invaders, and one Kenya police constable. That was taken from the C.I.D. statement, the uniformed policemen; this is an actual statement of fact. What action so far has this Government taken to try and bring to trial those who showed complete disrespect for the preservation and maintenance of law and order in this country? We must be told in no uncertain terms. This is a very serious allegation, and it is no good any Government, worthy of the name of a Government, just trying to shirk its responsibilities.

The Minister for Home Affairs (Mr. Odinga): Will you give way?

Mr. ole Tiptis: On what? Not an explanation. On a point of order, yes, but not for an explanation.

Now, Sir, I think the hon. Member for Kiharu—I do not know whether it is Kiharu or Kihara—

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, may I have your ruling on this; the Member previously attacked me to confirm, or not to confirm, the statement he has made and now he refuses to give way.

The Speaker (Mr. Slade): Probably, if you had made it clearer that you wanted to interrupt on a point of information that he had asked for himself, he would have given way. He would certainly have looked very foolish if he did not.

Mr. ole Tiplis: Mr. Speaker, Sir, I think on this one I have no quarrel with the Minister and I shall now be delighted if he can throw some more light on the subject.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, in his concluding submission, the Mover of the Motion paid tribute to the police for the part they played, and also the Administration, and I thought he was satisfied with the part played by the police, but now the allegations which he is making against the tribal police and other members of the police force, I am not aware of.

Mr. Ngũgĩ: On a point of order, was that a point of information or explanation?

The Speaker (Mr. Slade): Yes, I think so. He was answering that he did not know what he was asked, either to deny or to confirm.

Mr. ole Tiplis: Mr. Speaker, there is no point in trying to confuse the issue. I did pay tribute to the police, to the Administration officers and to the leaders, who are loyal and who did an excellent job in going in between the two tribes. But he cannot expect me to pay any tribute whatsoever to the three tribal policemen who were disloyal and who, instead of maintaining and preserving law and order, co-operated with the wrong-doers. We are after the three tribal policemen and the one Kenya Police constable.

Mr. Speaker, the hon. Member for Kibaru, Mr. Gachago—he is away at present—said that this was a retaliation as a result of aggression, repeated aggression, by the Masai. The Members who represent the neighbouring tribe—the Kikuyu—can they quote an incident, ever since the British rule up to now, where a mob of 300 armed Masai have penetrated into their country and stolen over 900 head of cattle?

An hon. Member: What did he say?

Mr. ole Tiplis: You ought to know—let me remind you—this was a retaliation. You will understand, Mr. Speaker, that if the Government policy is that, if the Masai are wronged as they are, in this case, then the only remedy open to them is to cross the border and try to recover their stolen cattle from the Kikuyu, because the Government has not seen that justice is done. This must be explained.

An hon. Member: By whom?

Mr. ole Tiplis: Now, it is not enough for the hon. Minister to answer that the Government has taken a very serious view of this incident, and that investigations are going on. Let me tell him this, that any time there is a calf of a single cow stolen and tracked into Masai country, the Masai are compelled to pay compensation, whether cowprints have been found or not. Now we are told this is a different category of people—the Kikuyu—and they must be treated differently. This we are not going to have.

An hon. Member: The Masai steal cattle.

Mr. ole Tiplis: It is not for you to remind me of this. The Masai have paid compensation, thousands and thousands of pounds; they are doing so even today; but when they have 900 head of cattle taken, then the Government says: "No, this is a different issue, it needs police investigation." Why do you not carry out those police investigations when the Masai are involved?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): They are given a good beating by the Kamba.

Mr. ole Tiplis: The Minister answered, "Where would the Government get the money?" My answer to him is that the Government managed to get the Masai to compensate whoever had his stock stolen. They should apply the same measure to get the money from the Kikuyu to compensate the Masai.

Another gentleman, tribalist number one, did not know what he was talking about and I think he wasted our time.

The Speaker (Mr. Slade): Order, order, Mr. Tiplis. Hon. Members must not make that kind of remark about other hon. Members' speeches. You may criticize what they say in particular, but do not say that they have wasted time, or that they do not know what they were talking about. That will not do.

Mr. ole Tiplis: Then I withdraw that, Mr. Speaker, but I was referring in particular to what he said in the spirit of *Harambee*. If the spirit of *Harambee* means that you steal 900 Masai cattle, the Kikuyu, then I shall not be a party to this mockery.

Mr. Speaker, finally, this Government has a duty to protect the life and property of every individual in this country. This is not the way to do it, this is a clear demonstration that this Government is governed by fear and favouritism. And it is time that we were told this so that we know

MOTION

REDUNDANT HOSPITAL SERVICES, NAIROBI
(Resumption of Debate interrupted on 5th March 1964)

THAT this House urges the Government to set up a commission of inquiry to investigate the redundancy of the Hospital Services within the Nairobi Area with a view to producing a more economic pattern of the Service.

(Mr. Ngada Leader of the Opposition on 5.3.64)

The Speaker (Mr. Slade): Before calling upon Mr. Shikuku to resume his speech, I would inform hon. Members that there are thirty-seven minutes remaining for this particular Debate. In a free-lance Debate everyone is limited to ten minutes and at the end the Mover has ten minutes in which to reply. Mr. Shikuku has eight minutes still to go.

Mr. Shikuku: Mr. Speaker, Sir, I wish to continue with what I was saying when we adjourned the House, and that was in connection with the redundancy of the hospital services within the Nairobi area. I had one point to make and that was that there are many doctors and many medical facilities around Nairobi when compared with the whole country. It could even be safely said that hospital facilities in Nairobi or around Nairobi constitutes almost two-thirds of all the hospitals in the whole country. In Nairobi, one finds that there are so many hospitals and so many dispensaries run by private practitioners that some of them have hardly any customers. I was surprised one day when I was going round the streets I happened to come across a dispensary and there was a man standing at the door and he asked me if I was sick because the doctor, he said, was in his dispensary and was not busy. It must be realized that there are some private practitioners in Nairobi who have hardly any customers because there are too many private practitioners who are carrying out these duties in Nairobi. Some of them have to employ extra people to sit at the door and to ask each and every person who passes by if he wants to be treated.

QUORUM

Mr. Mutiso: On a point of order, Mr. Speaker, is there a Quorum in the House?

The Speaker (Mr. Slade): No, we have no Quorum. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a Quorum now, you may proceed, Mr. Shikuku. You do not forfeit any time on account of that Quorum.

[Mr. ole Tiplis] exactly where we stand. I do not remember of one incident—and I challenge anybody to tell me any—when 900 head of cattle have been stolen, without strong forces being sent to pursue the raiders to recover the stolen stock and, in pursuing the raiders, police forces have to knock them down with bullets.

Mr. Ekitella: On a point of order, is this man—

The Speaker (Mr. Slade): Order, order, you refer to hon. Members as hon. Members, Mr. Ekitella.

Mr. Ekitella: Excuse me. Will the hon. Member tell this House he is only fighting for the Masai—

The Speaker (Mr. Slade): Order, order, that is not a point of order. Order, order. Mr. Ekitella, if you cannot learn what is a point of order you will leave the Chamber until you do. You will leave this Chamber for the rest of this evening. Go out.

(Mr. Ekitella withdrew from the Chamber)

Mr. Gatuguta: On a point of order, Sir, the Mover of this Motion, Sir, is making a serious allegation that 900 head of cattle have been stolen. Can he substantiate this allegation in the House?

The Speaker (Mr. Slade): I am afraid not at this stage. In any case that has been raised before, I know that he or his colleague has said that police records will prove it.

(The question was put and negatived)

Mr. Mutiso: On a point of order, I am seeking your guidance. When a certain Member is asked by the Speaker, to leave the Chamber and he walks out and does not bow to the Chair when he leaves the House, is that proper procedure, or what happens?

The Speaker (Mr. Slade): No, he was out of order again, but I think the hon. Member was entirely out of order this afternoon.

Now, did you wish to claim a Division, Mr. ole Tiplis?

Mr. ole Tiplis: No, but I hope Government will act.

The Speaker (Mr. Slade): Then we now come on to free-lance Motions having had two hours on Party sponsored Motions.

Mr. Shikuku: Thank you very much, Mr. Speaker.

One of the points I wanted to make was that there are many doctors in Nairobi who are actually redundant, who in their dispensaries have hardly any customers. I think that the Government should do its best to get in touch with all these doctors or anyone who wants to practise medicine, to make arrangements whereby it will be possible for these people to be stationed in other parts of Kenya where they could serve the public. There is a lot of need for medical services in Kakamega or in the Butere dispensary where there are a lot of patients and so few people to deal with them. I was wondering if the Government could take a note of this so that it could persuade these private practitioners to move to other areas and establish dispensaries there to make their services available to the people in the country. They should be subsidized by the Government because at the present moment the people in the hospitals in the reserves—I speak as a Member representing the people from the reserves—together with myself and my hon. friend, Mr. Agar, are suffering because people have no medical facilities to meet their requirements. Therefore, I feel that these people, the doctors who are here in Nairobi who have difficulty in getting enough customers, should be subsidized so that they would move to all other parts of Kenya to contribute more to the people of Kenya. I can see you nodding your head, I think you have seen the sense now.

The Speaker (Mr. Slado): Order, order, Mr. Shikuku, address the Chair please.

Mr. Shikuku: Thank you, Mr. Speaker. I feel that it would be a very genuine thing which would help a great deal with the lack of medical facilities; and I am sure, Mr. Speaker, that the hon. Members here and those in the country would gladly accept this idea, and I hope the Government—and I can see the Parliamentary Secretary noting it down—will try its best to help the poor people in the reserves, including the Member for that little location Gem, whose people are also suffering hardships as they have hardly any medical facilities (I am a close neighbour to them).

This is the only important point which I thought I would raise, and I look forward to the Government's co-operation in this and it goes without saying, Mr. Speaker, that the whole responsibility lies in the hands of the Government and I hope they will do their best to get in touch with the private practitioners and keep it in mind that they could be subsidized so that they could

provide medical facilities for those in the reserves and in the rural areas.

With these few remarks, Mr. Speaker, I beg to say that I am, Sir, your obedient servant.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Thank you, Sir. Mr. Speaker, I have noted very carefully what the last speaker had to say. I would also like to go back to some of the things said during the Debate when it was moved by the hon. Mr. Ngala. I wish to say this, Mr. Speaker. The Motion actually says that the House urges the Government to set up a commission of inquiry to investigate the redundancy of the hospital services within Nairobi area with a view to producing a more economic pattern of the service. I have looked through HANSARD and I have not seen it in any place where Mr. Ngala, the hon. Mr. Ngala, gave in which way and in which manner it can be economic.

Secondly, Mr. Speaker, Sir, the last speaker, the Member for Butere, referred to the services of the general practitioners. He made a rather wild and off the mark reckless statement against certain doctors who cannot protect themselves here. I think there was an innuendo and a suggestion that there are doctors in Nairobi who have so little work that their position is the one of the touting doctor. I do not think that such a position has arisen yet. I also say this, for the consumption of the noisy Member across the way—

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Member in order to refer to me as the "noisy" Member?

The Speaker (Mr. Slado): No, not unless you really are noisy and I did not notice that you were. Do not make these remarks unnecessarily.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I will be most careful, Mr. Speaker, Sir, but he was being noisy, Sir.

The Speaker (Mr. Slado): Not nearly as noisy as a lot of you hon. Members, including yourself sometimes!

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): The position of the private practitioners, Mr. Speaker, Sir, is the concern of the private practitioner himself. The Government cannot force a private practitioner to go out into the districts, to go down to Butere and open up a surgery or a clinic there. But it is up to the hon. Member himself, if he wants a doctor, to be in his area, to take the spirit of persuading the doctors here, to tell them how far

[The Parliamentary Secretary for Health and Housing]

the ground around Butere is, how many cases of venereal diseases there are, and I know that they abound in that particular area. The doctors may go there and have a profitable practice. The private practitioner, while he is concerned, very definitely, with the saving of lives, must also have a margin of profit, Mr. Speaker. We cannot force him to go anywhere at all.

I think the real suggestion of the Motion was that there are too many hospitals here and that the hospitals have not been spread out sufficiently in the country. I must say this: this has absolutely nothing to do with the Government of today. It was the old system, the system whereby we had racial hospitals. There was the Native Civil Hospital, there was the Indian Hospital, the Arab Hospital, the European Hospital, all these were there and these are the things which made it possible to have at certain stages certain empty beds, but even at this moment, when we are doing away with racial hospitals, we still have, in Nairobi here, a waiting list of roughly 1,000 daily waiting for beds. I do not think any case can be made that there are an excess of services within the Nairobi area.

Now that we have done away with racial hospitals, the Maia Carberry is being used to train our own people as lawyers. It was one of the racial hospitals, and when the racial schemes were demolished—it is not redundant, it is being used for something else, much more useful than taking it down to the Coast. If the Member for Kilifi should suggest that we should take the Princess Elizabeth or the King George VI Hospital down to the Coast, I would welcome seeing him try to pull it down himself, and he would see the difficulties, Mr. Speaker.

Our plan at the moment is this. We are starting on this insurance system. There will be services all over the country, and this insurance system, about which the Minister spoke to you a few days ago, will make it possible for our people to go to hospitals and to have free treatment.

An hon. Member: When?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Wait and see, it takes planning. The only thing that the hon. Member and the country should have and exercise a little bit more is patience, and with patience we shall easily be able to cover every part of the country. There are divisions in the particular areas. We are already in the process of establishing the 400 health centres and up-grading

a number of dispensaries into health centres. These, and other activities, which the Ministry is planning, are certainly going to help any difficulty that may arise in certain areas. I quite agree that certain parts have not been properly covered to date, but we are doing something about this and each time you direct our attention to any particular thing the Ministry does everything possible to help and to have these services available as near as possible to the people. We are certainly not concerned with keeping hospitals concentrated in one particular places just for the wealthy people. The plan of the Government is to send the services away to the people in the country, to the people who need it most.

In the other hospitals, even at the Coast, we have already started and have increased the bed spaces in the hospitals. Various regional hospitals are getting on very well indeed with modernization and whatever equipment we find that may be redundant in Nairobi is being taken over by the various regional hospitals. I must tell you that when I looked at my Encyclopaedia before coming here, I noted that for Kakamega—see Kisumu!

Mr. Speaker, Sir, finally I wish to assure Members that it is not the Government's scheme to try to belittle any particular area. It is no scheme of the Government to try to neglect any particular tribe or any particular group. It was not Government's intention to build the number of places that were built here around Nairobi, but the number of places which happen to have been built in and around Nairobi are doing the maximum service required of them.

With this, Mr. Speaker, Sir, I beg to oppose.

Mr. Ngala: Mr. Speaker, Sir, I think I should teach the Parliamentary Secretary what redundancy means. If possible, when he wears two ties at the same time, the second tie is redundant. That is why he is wearing one tie today, the other would be redundant. This is what is happening here in Nairobi, and in reply I would like to show him how it is happening. First of all, Sir, however, I must thank the Members who have taken part in supporting the Motion. They have seen exactly what is wrong in the medical service.

I would like to deal, first of all, with various points that have been put forward. There are some Members who have said that they are continuing this pattern because it is the Colonial rule and they have inherited it. The Government has no right at all to continue this just because it is a Colonial pattern. The Government should change it and adopt a system which is appropriate and feasible in modern times. I think it is the Minister himself who said that we have to

[Mr. Ngala]

I continue this because we have inherited it. I thought it was a very poor reply from the Minister for Health himself. He also said that there was no redundancy because there are long queues at Pumwani of people who want medical attention. That is not the point of the Motion; the point of the Motion was not to accuse people of not having medical services at Pumwani, at the maternity hospital or elsewhere. Other people said we cannot serve the country well because there are Regions. This was said by the Minister for Constitutional Affairs, but it is no use attacking the Regions when we bring up matters which concern the whole country and I think it is high time that the Ministers stop attacking the Regions and get on with their business, because the Regions have come to stay.

I was talking of the system in Nairobi. I would like to make it clear that it is the racial approach which is pursued by this Government in medical services that has produced this redundancy in Nairobi. It is the racial approach which has been inherited. The Minister himself has agreed that he is pursuing this racial approach and it is because of this racial approach that there is this redundancy. First of all, Sir, the King George VI hospital is a national hospital and it is for this purpose that it was built, during the Second World War, with the clear purpose that it was a national hospital for the whole country. Then the few racial people who started the other hospital, the Princess Elizabeth Hospital, nearby. You can see now that the Princess Elizabeth Hospital is redundant and is not in line with the political thought today. This is what I would say redundancy means. It is no use standing here and saying that while we are serving the people we are serving even the poor. How many poor people are in the Princess Elizabeth Hospital today? How many of them are you serving? I have been there this lunchtime and many beds there are empty; yet they are being looked after by Government nurses and people who are assisting the Government and who use the taxpayers' money. This is what redundancy is; this is where there is redundancy as far as the ordinary person is concerned. The attitude, the spirit of a separate hospital has been entertained by this Government. I thought that my hon. friend, the Parliamentary Secretary for Hospitals or for Medical Services, would talk in a clearer way, as he usually does, but today he seems to—

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): On a point of order, Mr. Speaker, is it not in order for the hon.

Member for Kilifi to address me with my proper designation in this House.

The Speaker (Mr. Slade): Yes, although I do not know of what you now complain.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): He called me the Parliamentary Secretary for Hospitals.

The Speaker (Mr. Ngala): But he then corrected himself.

Mr. Ngala: My second point, Sir, is that the separatist attitude—the people who wanted separate hospitals in spite of the country having the national hospital, the King George VI Hospital—this attitude has been encouraged. It is because this attitude has been encouraged that we have today an Asian Hospital and the Princess Elizabeth Hospital, and these hospitals are being aided by Government, or have been aided by Government, since 1960. I think what the Government should do is to concentrate on one place. Even in one hospital, the King George VI Hospital, there is one wing to show that there is racialism there. There is separation there. There is one wing for different races, and one of three nurses are serving three different wards instead of one large ward where people are all together. How can the people live together if they cannot be ill together in one ward together? The hon. Parliamentary Secretary does not even know that Rahimulla Ward exists within one hospital in Nairobi here, only a mile away from where we are sitting today. I would like to make it quite clear that even in the Blood Bank there is this racial approach. In the Blood Bank there is the European Blood Bank, there is the Asian Blood Bank that is kept separately, and the African Blood Bank which is kept separately in the George VI. The Asian one is kept at the Aga Khan hospital. These people are three different people doing the same work in three different hospitals. Is that not redundancy? The hon. Parliamentary Secretary is not ashamed of saying that it is not when he knows very well that three servants are being used at the same time to do one piece of work. I know of Asian patients or of African patients who have died, Sir, in the King George VI Hospital because blood has had to be fetched from the two hospitals, the Aga Khan and the other, to serve to the patients. This redundancy has cost the lives of the people, and I would like to make it quite clear that we are very concerned about this redundancy and the Parliamentary Secretary should help us.

Another point on redundancy, Mr. Speaker, Sir, is the question of out-patients. In the Out-patients Department, we are told by the Ministry, they are

[Mr. Ngala]

trying to remove racialism, but in fact the Ministry is not doing that. All that they are doing is eye-washing the public. They are eye-washing the public by changing names, but the actual material is the same. For example, one clinic that was called the European Clinic has now changed into a Government Clinic, but in this Government Clinic the segregation which has caused redundancy is still going on. So far, in these Government Clinics, Africans must reach the scale of about £1,500 a year before they can be served in that Government Clinic. This is a shameful thing, and I know, for example, that four Africans, very outstanding Africans, were turned out the other day from this very Government Clinic. This is an eye-opener and the Parliamentary Secretary should be aware of what is going on before he can talk of no redundancy at this stage in this area.

Another example of redundancy is the treatment of people who are under anaesthetics. There are many Africans who have had experience for twenty-five years of treating people and they have the experience, they have the knowledge, they have every qualification that is wanted. Yet at these hospitals the Ministry says, "Well, on the grounds that you are an African you cannot treat a patient who is not an African, therefore, I am employing other people to keep it on a racial basis." This is where you have redundancy. The employment of servants to treat people according to their races, they are redundant. The employment of more servants than are required when we could do with a fewer number of people and reduce redundancy. You have to keep three bottles when you could do with one bottle. That cannot be done. You need one bottle of medicine but you have to keep three. You have three bottles of blood: one at the Aga Khan Hospital, the other at the Princess Elizabeth Hospital, and the third at King George VI Hospital. Is that not redundancy?

I think the hon. Member now understands what is going on in these hospitals, and I hope he will visit them and inquire.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Come with me!

Mr. Ngala: I could go with you if you are doing your duties correctly. I would like to make it quite clear, Sir, that the intention of this Motion was not to say that had it not been for *majimbo* the medical services would have been distributed fairly, this is outside the point.

The Speaker (Mr. Slade): You are outside your time, too.

Mr. Ngala: Therefore, there is redundancy, and the Parliamentary Secretary is aware of it, and I hope he has taken note. I beg to move.

(The question was put and negatived)

MOTION

POLICE PETROL SHORTAGE, BUTERE

Mr. Shikuku: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT this House, mindful that every individual and his property has the right to be protected, calls upon the Government to appoint an independent commission of inquiry to investigate and report on the failure of the police to respond to a call through lack of petrol when thieves break into and stole property from a shop at Musabai in Butere constituency.

(The Speaker (Mr. Slade) left the Chair)

(The Deputy Speaker (Mr. De Souza) took the Chair)

Mr. Deputy Speaker, this a straightforward Motion, it is simple. Fortunately, or unfortunately, a similar Motion to this was raised on an Adjournment by the hon. Member, Mr. Makokha. I would like to confine myself to this specific instance.

It will be recalled, Mr. Deputy Speaker, that the Parliamentary Secretary to this Ministry stood up in this House and, among other things, went to the extent of saying that I, the Member for Butere, had actually given a report which was not true in the instance of Butere.

An hon. Member's Question

Mr. Shikuku: I can quote from the HANSARD; you can refer to that. However, Mr. Deputy Speaker, this is what happened: it was on 30th December 1963, at night, when the incident took place. This particular shop is situated on the main road to Kisumu. Thieves broke into this shop at night, and got hold of the owner of the shop, tied him up—

An hon. Member: What is his name?

Mr. Shikuku: His name is Ezekiah Etindi. You might not know the spelling! This particular person was robbed of his property. He could not report the matter to the police station that night because he could not leave his shop, which, of course, had been broken into and the door was wide open. He had to stay in his empty shop until the following day, when he sent somebody to Butere Police Station as he was feeling unwell. That person reported the matter to Butere Police Station at 6.25 a.m. on 31st December 1963. You can find this in the Occurrence Book of the police station at Butere.

The Deputy Speaker (Mr. De Souza): Remend to address the Chair, Mr. Shikuku.

Mr. Shikuku: Thank you, Mr. Deputy Speaker. I am getting rather cross with this attitude of the Government, in that they deny everything which is quoted here and just dismiss it. They are so inefficient, that they feel the only thing to be done is to reject the Motion or to turn it down, and this hurts very much. If this Government is to have the support of the people, they must take it into account the views expressed by the Members who are elected to this House. If such a case can be thrown away, when the people know that the police did not turn up until five days after, then, Mr. Deputy Speaker, they will not have the confidence of the people.

On 31st December, at 6.52 a.m., when the incident was reported at Butere Police Station, the person was told by the officer there that they did not have a vehicle, because the police division vehicle had been sent to Bungoma Division on a certain case. The person then had to go back, after reporting the matter, and nobody turned up on 31st December 1963. On 1st January 1964, this person came to my home and complained that his shop was broken into on 30th December 1963, and that nobody had turned up so far. I was told that he had been to the police station in person, and was told that the vehicle was there but there was no petrol in it. Mr. Deputy Speaker, this irritated me so much that I did not believe the person, and I told him that I was not going to believe his story until I saw the Police. I got in my car, and drove to Butere, and I was at the police station around 4.30 p.m. in the afternoon. I have the names of the people with whom I was and which I can produce even in a court of law. I want to see that justice is done, and we are not going to be fed on propaganda and all sorts of excuses, just because the Government wants to cover up anything which has happened.

I went to Butere. I was with a member of the county council, and I had the chairman of Butere Constituency, and I also had the chairman of Locational Council of Kisa and two members of Marama Locational Council, and there were many other people. If the Parliamentary Secretary doubts this, they are all in Butere.

Now, Mr. Deputy Speaker, when I went to the police station, the first thing I did was to ask for the Occurrence Book; I found a constable, and he asked me why I wanted the Occurrence Book. I asked him if he had received a report that a shop in Musalaba had been broken into on 30th December 1963, and whether he had been there. He told me he did not know what I

was talking about, and he checked in the Occurrence Book. He found there was a report, and that the person who had reported the matter had done so at 6.52 a.m. on 31st December 1963. Mr. Deputy Speaker, I challenge the Government to sue me in court if the allegation is not true that the report reached Butere Police Station at 6.52 a.m. and was written in the Occurrence Book.

An hon. Member: So what?

Mr. Shikuku: You can shout, "So what?", but you do not know what you are talking about.

Mr. Deputy Speaker, when this was shown to me, I tried to get in touch with the inspector, but as he was not there I spoke to the corporal. He told me that on the 31st they could not go to Musalaba because the vehicle had gone to Bungoma Division, but on that day the vehicle was there, and he showed it to me, it was standing in front of the Butere Police Station, a Land-Rover, but there was no petrol.

An hon. Member: What number?

Mr. Shikuku: Some people are asking me childish, silly questions from the Back Benches.

An hon. Member: On a point of order, is a Member to use abusive words in this House?

The Deputy Speaker (Mr. De Souza): That is quite correct, the hon. Member is not supposed to use abusive words, and "childish" and "silly" are the words he should withdraw. On the other hand, however, I do appeal to Members not to treat this as a joke, by asking, "What number?", and so on. They are provoking him to say things which he would not normally say. Do continue, but please do not do it again.

Mr. Shikuku: Thank you very much, Mr. Deputy Speaker, Sir, for your ruling. It is hard when someone like myself, who took the trouble to go to find out, comes here and hears remarks which are really offensive. I am sorry, but I have to tell them what I thought was fit.

Mr. Deputy Speaker, when I found this out, I had a talk with him which lasted about twenty minutes. The following day, I went and reported the matter to the Assistant Superintendent of the Region at Kakamega, who told me that he could not believe what I had said, because it was impossible for these people not to attend to the case through lack of petrol. I told him that that was the issue, and there were people with me. However, Mr. Deputy Speaker, the other day we were told by the Parliamentary Secretary that there were fifty-eight gallons of petrol and forty-four gallons in reserve. If that is the case, Mr.

[Mr. Shikuku]

Deputy Speaker, this is where we know that this Government is out to tell the people what is not true. If these fifty-eight gallons were there why did the police not report on the scene on 31st December, after having the report at 6.52 a.m.? It was 1st January, when I reported it to the police station. Of course, the answer is easy: this is a tired Government. We are told of the imperialists. We have now taken over the Government. That is accepted, but you must convince the ordinary man that you are much better than the imperialists, ten times better, Mr. Deputy Speaker.

The Deputy Speaker (Mr. De Souza): Address the Chair.

Mr. Shikuku: Thank you very much, Mr. Deputy Speaker. It is up to the Government to convince the ordinary man that he is safer under the present Government than he was under the imperialists' Government. As a matter of fact, the people are now saying, "Shikuku, you are shouting here, you are telling us about the African Government, the powerful Government, and so forth. Is this what you mean by powerful, when we report cases and the police never turn up?" In the imperialist times, once you went to the police station to report any incident, at once you were taken in a Land-Rover and you were taken to the scene. Today, that is not the case, yet we are told that this is a Government one can rely upon for protection, and for the protection of property.

Mr. Omar: It is not true.

Mr. Shikuku: Yes, you are very right. That is true, Mr. Deputy Speaker. As they say in my language, *olwala lulala Shiwira inda* to which means, that one finger can never kill a lice; you have to have two fingers to do it. With one finger you can never do anything. I think that is the problem with this Government of one finger.

[The Deputy Speaker (Mr. De Souza) left the Chair]

[The Speaker (Mr. Slade) resumed the Chair]

Mr. Speaker, I feel this was a very serious case. Once I had reported it to the Assistant Superintendent, he told me he would let me know the outcome. Up to this very moment, today, I have not received any report whatsoever. May I, Mr. Speaker, inform you that this incident in itself is having a very bad effect as far as the relationship between the police and the public is concerned. The other day, Mr. Speaker, there was another case in the Butere Constituency where a school was broken into and, when I got

the report, I drove straight there. I must give credit where it is due, and when I arrived there, the police Land-Rover arrived fifteen minutes later, and they carried out their investigation. I am glad to say that the goods stolen from that mission, called Malindi, have been recovered and the people arrested. What smart work! If the same action had been taken on 31st December, surely the property of this person would have been recovered. I feel that there is no need for the Government every now and then to go on denying or trying to water down whatever is brought here by the Members. I do not think they will get anywhere; they will only demoralize themselves. We have had experiences whereby Members have come to this Parliament and aired the views of their people. What used to happen was that these views were turned down or rejected. We all know what happens. The imperialists have gone, and so shall this Government if it does not wake up.

This is a serious issue, because—

An hon. Member: You are threatening.

Mr. Shikuku: There is no question of threatening, as one of the Members is shouting. It is a question of facing facts. You cannot cover the eyes of the public and expect them to sleep for ever and a day without seeing what is happening in the Government. As a matter of fact, there are people among the citizens of Kenya who are more intelligent than some of you who are in the Government.

The Speaker (Mr. Slade): Order, order, Mr. Shikuku, you have been reminded so frequently of the Standing Order that you have to address the Chair. You must remember.

Mr. Shikuku: Mr. Speaker, I agree with your ruling, but the trouble here—

The Speaker (Mr. Slade): Yes, but it has happened enough.

Mr. Shikuku: I agree with your ruling, Mr. Speaker, but all the time there is a lot of provocation from the other side, and one, being human, is apt to retaliate.

The Speaker (Mr. Slade): I have often explained that that is the very reason for Standing Order. You are more likely to remain cool if you continue to address the Chair.

Mr. Shikuku: Thank you, Mr. Speaker. I feel that there is no need for me to over-emphasize this, but the reason why I felt that this Motion should be brought here in this House was that

[Mr. Shikuku]

there have been instances—I am sure hon. Members of this House would agree with me—that on certain occasions people have been beaten up, but it appears there is a tendency now that whenever the report is taken to the police station nothing is done immediately. I have said that I am ready to give credit where it is due, and I have already given it, by quoting one particular example in the same constituency at Malindi where property was stolen and the police came in on time. Now, all the property which was stolen has been recovered and—

The Speaker (Mr. Slade): Do not repeat it all, Mr. Shikuku. We have had all that.

Mr. Shikuku: I think that was a good job. I think the Government should take this Motion very seriously, and this also applies to some other parts of the country, and we should like to be quite secure in our own country, especially now we have our own Government, and above all we hope our property, children and belongings will be safe under this Government. I feel it is the prime duty of the Government to protect us and our property.

With these few remarks, Mr. Speaker, I look forward to the full co-operation of the Government so that there is a better understanding between the police and the public for our own good.

With these few remarks, I beg to move.

The Speaker (Mr. Slade): There is hardly time for your second to get going with his speech, but I would like to propose the question to the House and if he will second formally he can speak when the Debate is resumed.

Mr. Ngala seconded.

(Question proposed)

MOTION ON THE ADJOURNMENT

SECURITY AGAINST "SHIFITA"

The Speaker (Mr. Slade): Now there are only two minutes to go. Mr. Kase has a matter to raise on the adjournment, so I will call on Mr. Odinga to move that the House do now adjourn.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to move that this House do now adjourn.

The Minister of State, Prime Minister's Office (Mr. Murumbi) seconded.

(Question proposed)

Mr. Kase: Mr. Speaker, Sir, I have several reasons for raising this matter. It is well known that the *Shifita* started their activities in November. At that time it was not very serious in Tana River and the Lamu District, but within two or three months the position became very serious. So far, in Tana River, four people were killed in one incident at Masabubu, one being a tribal policeman. Three civilians died and four tribal policemen were injured. Six people died at Witu including a school master and thirteen people are still missing today, and at Kiunga a tribal policeman was killed and a European kidnapped.

The second reason is that goods from shops are always stolen by *Shifita*. Whatever they can get hold of they take away. For example, last week when they entered a shop, all they did was to take goods. If a *Shifita* finds a better pair of shoes he takes them and throws his own away.

Thirdly, these *Shifita* have definitely issued notices to members of the Regional Assemblies, members of the county Council in Garissa West. They have issued notices to the chiefs around Kiunga area to business men at Galole and Witu.

Fourthly, because of *Shifita* attacks three schools in the Tana River District on the eastern bank have been closed. In the whole of Lamu District, all are closed except on Lamu Island, that is Wita, Kiunga, and Pandangiro. Three schools along the Tana River District on the eastern boundary have been closed, at Masabubu, Masalani and Kiter.

The fifth point is that people on the eastern boundary of the river, have just decided to leave their *shambas* and started doing so from January, and I do not know what they are going to eat in the next few months. I hope one of the Ministers will provide some food. The security situation has been reported several times to the Minister for Home Affairs, he knows that. In November last year it was reported to the Minister for Home Affairs and once more it was reported to the Prime Minister's Office by letter, because I was told one cannot see him. This was on 30th December 1963. So far, Mr. Speaker, nothing has been done and I have proof that the police inspector at Galole is equipped with only twenty-two policemen to serve a district of nine thousand square miles. The Regional Government Agent has been refused permission to recruit more tribal policemen, and he has only thirty-two. So thirty-two plus twenty-two brings it to fifty-four in an area of nine thousand square miles. This inspector at Galole, is faced with the situation that he has to protect Masabubu, Garissa, Mbalambala, Bura and Kiter. How can twenty-two policemen protect all these places?

[Mr. Kase]

The Regional Government Agent told me last weekend that he was always writing to this Government that he should have more policemen, but he was always told that there was no trouble, and yet more people are definitely being killed in the area. The Regional Government Agent admitted that he was finding it difficult to tell the public that the Government was making excuses. I returned from the Lamu District and it was on Saturday when I visited Witu. We met the Regional Government Agent there and he said, "I do not know what your Government is doing. I can never walk into any part of Lamu now and assure the people that they are safe because even I myself, when on Lamu Island, do not feel safe."

An hon. Member: He should stay here.

Mr. Kase: Somebody says he should stay here in Nairobi. The thing is, Mr. Speaker, it is not that suggestions have not been put to this Government; they have been put. The Regional Government Agent recommended that these cattle boys, who come from the North-Eastern Region and come to the Coast Region through to Lamu and the Tana River District, should be thoroughly controlled before they come in, but we have a ruling and I was told by the Deputy Civil Secretary of the Coast Region that he was overruled in this by the Minister of State, the Prime Minister's Office, in Nairobi.

Someone suggested to this Government that watering points along the Tana River are dangerous because it is the Somalis who come and water their cattle along the river that guide the *Shifita*. This same Government rejected the suggestion, the letters are lying in the Galole Administration Office, and it is no good saying that these are lies. To prove that these people are really helping the *Shifita* to come in at Masabubu on the 25th December, when Masabubu was attacked, it was found that the Somali who was killed was one living just near the village. How could the *Shifita* come from Wajir and say, "This is the District Assistant's house, he is called Mr. so-and-so. This is a teacher's house, and a Member for the Coast. Let us get hold of him." How could the *Shifita* from Wajir know this?

Instead of having Somalis coming in to do their stock trade, we should have the local people there doing it. The other thing is this, we have a stock trade around Kiunga and the Somalis are definitely there because they wanted to gain the best of it, the Government refused and therefore we find people being killed for nothing. This is the true fact and it is no good saying "No". The

other thing is that we have Somali dhows that are coming and they could land at Mogadishu and they could bring weapons to Lamu because there are no means of inspecting all these dhows. These Somalis could carry any weapons from Mogadishu to Lamu, from Mogadishu to Kipini, and from Mogadishu to Mombasa, and as long as they go along the eastern coast of Kenya they can move about very easily in a dhow when they are not inspected and just get through the North-Eastern Region. I am not talking about parts of the North-Eastern Region but about the Coast Region.

Now how can Somali civil servants be trusted? Here is an example. The General Service Unit leader at Witu is a Somali. This is how I came to suspect these Somali civil servants. Witu was attacked at 5.30 p.m., the policemen arrived at 11 p.m. and all they did was to chase them for ten minutes in their Land-Rover—ten minutes, after *Shifita* who had escaped five hours previously! The General Service Unit Somali leader just said, "If we follow these people we cannot catch them." Mr. Speaker, Sir, the other thing is when the General Service Unit leader left Witu, it was not one hour before the *Shifita* attacked Witu; how did he know and leave Witu and leave the place empty?

The Speaker (Mr. Slade): That is the end of your time. I'm afraid, Mr. Kase.

Mr. Somo: Thank you very much, Mr. Speaker. I beg to support the Motion, but I oppose some points which have been raised by the hon. Member. With regard to this House, Sir, as you know, in 1925 there was a treaty between the British and Italian Governments over Jubaland. The people living in Jubaland are my own tribe, and ninety-five per cent of the Bajuns live in Jubaland. Those dhows who are plying their trade between Mogadishu and Lamu are the Bajuni dhows and not the Somali dhows.

On the other hand, Mr. Speaker, Sir, these dhows, whenever they come—

Mr. Omar: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance on the statement of the hon. Member who has just sat down. He is trying to tell us the history about Jubaland—

The Speaker (Mr. Slade): What is your point of order. Come on, quick.

Mr. Omar: I told you that I am rising to seek your guidance.

The Speaker (Mr. Slade): Yes, but what is your point of order?

Mr. Omar: I meant to say that we are not interested in the history of Jubaland—

The Speaker (Mr. Slade): Whether or not you are interested is irrelevant.

Mr. Somo: I thank you, Mr. Speaker. I think the hon. Member is ignorant—

The Speaker (Mr. Slade): Never mind, get on.

Mr. Somo: On the other hand, whenever these Bajuni dhow come from Kismayu or Mogadishu with anybody who has been to Somalia, they come down to Lamu, and before they anchor at Lamu there is a special police boat which goes out to the dhow and they check it. From the beginning of the history of the *Shifita* they have never found any ammunition or rifles or anything. The hon. Member who spoke here was completely lying, he does not know anything.

Mr. Omar: On a point of order, Mr. Speaker. Is it in order for this hon. Member to say that another hon. Member is a liar?

The Speaker (Mr. Slade): No. I have already informed all hon. Members once today that they must not refer to each other as liars.

Mr. Somo: I am sorry, Sir, I did not mean to say that he was a liar but that he is incorrect.

The Speaker (Mr. Slade): Yes, that is better. You withdraw the word?

Mr. Somo: Yes, I withdraw. Now, these Bajuns, when they come from Somalia, they never carry any ammunition or rifles or anything else. I can assure you that none of these dhows have been caught doing things against the law.

An hon. Member: Are you defending the *Shifita*?

Mr. Somo: I am not trying to defend the *Shifita*. I am trying to defend my people who are living along the Coast. They are not carrying guns. My people remain in Jubaland carrying cargo from Kismayu to Lamu and to other coastal ports.

The Speaker (Mr. Slade): Order, order.

Mr. Somo: Because these people from Jubaland said they are not being correctly governed by the Somalia Republic, and these Bajuns, Sir, as I said, 95 per cent of them are in Jubaland, they are ready to join Kenya even now. In this case, this word *Shifita*—and as I said I am going to support the Motion—is this that the Government is not watching the district properly. In saying this, Sir, you will find that

in Kiunga there is not even a Tribal Policeman there who is armed with a rifle. That is why I said that I support the Motion fully.

With this, I beg to support the Motion.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I must confess that it is regrettable that these raids have taken place and that there has been a loss of life. Every Government abhors the loss of life, but one has to understand the difficulties that are involved. One must bear in mind that there are certain difficulties which will confront the Government not only now but also in the future, and that is that we are not fighting an army in Somalia or in the North-East Region or in the Coastal Region; we are fighting against *Shifita* who appear to be ordinary civilians but who are armed. You may pass these *Shifita* without knowing who they are unless we have to shoot every Somali we see in the area, which is not practical.

What I would like to say, Mr. Speaker, Sir, is this that the Government are taking measures for instance to open a Police Station at Kiunga and we hope that this will come into being very shortly. We have as well three platoons of the General Service Unit, and one platoon of the Kenya Rifles operating between Garissa and the Tana River and the Somalia border. This ought to be of some help in trying to put down these Somali raids. There are normal police stations at Lamu and Galole and there are fifty tribal police in the Tana River District and twenty-six in the Lamu District.

An hon. Member: Seventy-six in all.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Now, Mr. Speaker, Sir, we have commitments also in Kenya itself. We cannot draft all our police up to the North-East Region. We have our own normal commitments in the rest of Kenya, but the Government is doing all it possibly can to increase the police there in small numbers and to see that there is a police post at Kiunga.

Some of the criticisms that were levelled just now, for instance, about the dhow traffic which has just been explained by the hon. Member there. Ever since these raids have started—the *Shifita* raids—all ports along the Kenya coast have been watched and the dhow traffic particularly has been very carefully watched. So there is no truth in the assertion that arms are coming in through the dhow traffic along the Kenya coast. The *Shifita*, as you know, are being armed by the Somalia Government with modern weapons. The Government are doing their best

[The Minister of State, Prime Minister's Office] to try and see that we can match the fire power of the *Shifita* weapons. Last week and the week before, our troops and police in the North-East Region have taken very effective action and have killed quite a considerable number of *Shifita*. So it is no use the Opposition saying that the Government are not doing anything in the matter. This is an operation which has to extend throughout the North-East Region and also down to the South and consideration will be given then, as has just been mentioned, about the traffic of cattle that comes through Somalia into Kenya. We are hoping to have a police post just outside the Somalia boundary so that when the cattle come in they will be taken over by our own people and not by the Somalis, so as to obviate any infiltration of *Shifita* posing as cattlemen and coming into Kenya.

An hon. Member: When is this?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Consideration is being given and I must say that we shall do it as soon as we can, as soon as practicable.

I said that consideration is being given to get this done as soon as possible.

Mr. Ngala: When?

The Minister of State, Prime Minister's Office (Mr. Murumbi): I did say you ought to know better than the hon. Member.

The Speaker (Mr. Slade): Address the Chair, Mr. Murumbi.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I just said that the hon. Member should know much more about this than the other hon. Member.

So, whatever may be the circumstances, the Government are doing what they possibly can in these very difficult times to quell these *Shifita* raids. Both on the political level as well as on the military and police side, the Government are doing all they possibly can to try to suppress these raids and I think we will be successful in the course of time.

Mr. Ngala: Mr. Speaker, Sir, I rise to support the Motion very strongly. First, I would like to give credit to the police of the Coast Region. I think they have done a very excellent job in making sure of the security of the Region. I would also like to give credit to the officers serving in the Regional administration in the Coast Region for the work they are doing in very difficult times.

Mr. Speaker, Sir, I would like to say that the responsibility for law and order is divided, in the Constitution, between the Regions and the Central Government. The Regions have done everything they can; personally, as President of the Coast Region, I have done everything I can in the Coast Region, but the mistake is with the Central Government. The Central Government is slow, ignorant and weak. As long as the Central Government shows weakness to the Somalia Republic, I can assure the Central Government and, particularly the Minister responsible, he may one day find himself in the hands of the *Shifita*.

The Minister of State, Prime Minister's Office (Mr. Murumbi): My hon. friend, I hope my own people do not say so.

Mr. Ngala: Well, it is no use saying that you come from there you should have the responsibility. This is the position. We have done our best as a Regional administration and we have done our best to play our part as far as law and order is concerned. We have reported all these things, as the Mover has said, to the Central Government for the Central Government to do their part. I have personally seen the hon. Mr. Murumbi and given him the plan that should be followed for him to be successful in this matter. I have given him the plan. I think the *Shifita*, Sir, come and loot all these shops; they come and kill our people; then, on top of that, they take some of our people and make them porters and go on foot for over 24 hours and nobody is chasing behind them. They actually go on foot and take our people to cook rice on the way for them, prepare tea on the way for them. This is ridiculous, is it not weakness?

The Minister of State, Prime Minister's Office (Mr. Murumbi): But how do you know that?

Mr. Ngala: This is a very good question from the Minister concerned. The Minister has asked me how I know this and this shows the lack of investigation on the part of the Central Government. The Central Government is doing nothing as far as investigating—

The Minister of State, Prime Minister's Office (Mr. Murumbi): On a point of order, Mr. Speaker. May I interrupt? The Inspector-General has been to that area and visited it.

The Speaker (Mr. Slade): That is not a point of order.

Mr. Omar: On a point of order, Mr. Speaker. The hon. Minister of State raised a point of order which, according to your opinion, was not a point of order. Is it not right for him to leave the Chamber?

The Speaker (Mr. Slade): I decide whether a point of order is so blatantly fraudulent as to call for disciplinary action. I do not ask hon. Members to tell me.

Mr. Ngala: Mr. Speaker, Sir, I must mention the lack of investigation. That is the function of the Central Government. This is what I want the Minister to realize and know his job so that he can do something about investigating what is going on in the areas referred to in this Motion. On Saturday, I visited Witu myself, with the Regional staff as well as other people concerned, and on the spot, we learned what was going on. This is how I know what has gone on at Witu and other parts of Lamu District, as well as in the Tana River District. We are doing our work very well indeed, as Regional Governments, but since it is a concurrent responsibility, the second side is not doing anything. This is why we wanted the police to be completely under the Regions when we were discussing the Constitution.

Mr. Speaker, Sir, there are two aspects: the morale of Kenya citizens is running down terribly. If the morale of the people runs down completely, the Minister will find himself well on his toes. The people are prepared to help themselves which is what we want. If the Minister does not have the actual soldiers or policemen who can go there in great numbers, the Regional police are doing their best. Now we are prepared to be trained and know how to shoot these *Shifu* if it is necessary. People have volunteered. Last week I had three teams of youths and, in each team, there were thirty youths making ninety youths altogether who were prepared to be taught, to be told how to shoot the *Shifu* and how to defend themselves. Even schoolteachers have offered themselves to be trained. The Minister has never been anywhere near these places that I have mentioned; that is why he does not know what is going on there. I would like the Minister to come along to my Region and I will take him to these areas and show them to him. He has said that he cannot go there because there are so many mosquitoes there; but the citizens live there and therefore we must help them.

Mr. Speaker, Sir, we are prepared to help ourselves. We want means of transport, and firearms and weapons so that we can be taught how to use them as the Government has failed to use the ordinary police force. We went to help the Region and set up defence measures.

Mr. Speaker, Sir, I think it is very strange that when we move matters of such seriousness, the Ministers here are all absent from the House except one or two. This is a very serious thing indeed, because it is this very Government that was sweating two weeks ago to get a percentage vote to extend the Emergency. We give them the points which can be more effective in implementing the Emergency measures and they just sit there and laugh. I think it is a very serious thing. I agree with the hon. Member who feels that he is tired, even after five weeks of rule. Mr. Speaker, I would like (and I am now speaking as the President of the Coast Region) the Central Government to note this. We have shared the responsibility of keeping law and order in the Region. We have done our part well, but we cannot sit down and watch the Central Government not come to our help as quickly as we need them. We have a very active Regional Commissioner of Police who always flies to these places, sees them himself, and even brings the Inspector-General to see the things himself, but what does the Central Government do? Nothing. The Minister responsible should know that they are not doing much. I would like reinforcements to be sent to the Coast Region to enable us to deal with the situation. I can deal with the *Shifu*.

Mr. Speaker, Sir, I would also want help to deal with the transport between the villages, Witu, Kimunde and Kipini and all these places, particularly as the rains are coming. Once the rains have come, our people will be butchered by the Somalis because there will be no communication at all. This is very serious, but probably the Minister does not know about the rainy season because he is not a farmer at all. The rains are coming and we shall not be able to communicate and get from place to place. Therefore, this is a very serious matter.

If the Government allows people to disturb them there, we want the Government to feed them and look after them. We cannot tolerate this slow, ignorant and weak attitude. It cannot be tolerated by the authority of the Region.

ADJOURNMENT

The Speaker (Mr. Slade): Order, order, it is now the end of the half hour allotted, so the House is adjourned until tomorrow, Friday, 13th March, 1964 at 9.00 a.m.

The House rose at Seven o'clock.

Friday, 13th March 1964

The House met at Nine o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 100

TANA IRRIGATION SCHEME: SETTLEMENT

Mr. Ngala asked the Minister for Agriculture and Animal Husbandry to give assurances to the Wapokomo and other tribes living near Tana River that they would be given first preference in settlement in the proposed Tana River irrigation scheme and that in any case settlers for the scheme would not come from outside the Coast Region.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply. No such assurance can be given by my Ministry at this time. This will depend entirely upon the results of the survey which is being done by a United Nations team at this moment. We do not even know whether an irrigation scheme in that area is feasible.

Mr. Ngala: Arising from that reply, Sir, what would the policy of the Minister be if irrigation is feasible in that area?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): That is another question, Mr. Speaker.

Mr. Murgor: Mr. Speaker, Sir, could the Minister tell us what he had in mind when he was negotiating for this?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): I had lots of things in my mind at that time, Mr. Speaker, mainly that the scheme in that area would be for the benefit of the whole of Kenya.

Mr. Ngala: Arising from that, if the scheme is thought feasible in the Tana River area, would the Minister give an assurance that the money would be used in the Coast Region elsewhere?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): No, Sir.

Mr. Margori: Could the Minister tell the House that this is a scheme for ten years, but will he consider that preference be given to the Coast Region people?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): I have already answered that.

Mr. Ngala: Mr. Speaker, Sir, can the Minister tell us exactly when the recommendations will be received?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, we hope to have a feasibility report, in other words an interim report, from the United Nations survey team towards the end of this year.

Mr. Ngala: Arising from that reply, is the Minister intending to negotiate with the Regional Government as to the feasibility?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): No, Sir.

Mr. Komora: Can the Minister assure the House that the existence of proposed irrigation schemes, which will absorb some 100,000 families, will not eradicate the origin of the Pokomo tribe?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, I can give no assurance on that whatsoever, until we have the feasibility report available to us, and then we can look into it. For instance, at the present moment, I am informed that the dam which will have to be built will have to have a wall seven miles long, 120 feet high and it will cover in water something like 120,000 acres. This is the sort of information which is trickling through, but until we get the feasibility report there is no assurance we can give on anything.

The Speaker (Mr. Slade): No, and I do not think it is much good putting further questions on it either.

Question No. 112

NUMBER OF SETTLED AFRICANS

Mr. Mbogoh asked the Minister for Lands and Settlement:—

(i) the number of Africans—particularly from Embu—who had been settled since the start of land settlement schemes in this country; and

(ii) what arrangements the Government was making for the landless Africans living in regions outside settlement scheme areas?

The Parliamentary Secretary for Lands and Settlement (Mr. Mairian): Mr. Speaker, Sir, I beg to reply on behalf of my Minister:—

[The Parliamentary Secretary for Lands and Settlement]

(i) Approximately 12,900 settlers as at 31st January 1964 have been settled under settlement schemes. Government records are not kept on a tribal basis and it is therefore impossible to tell how many of these settlers are of Embu origin.

(ii) Settlers for settlement schemes are selected solely at the discretion of, and by the criteria determined by, Presidents of Regional Assemblies. Land for settlement is selected and purchased by the Central Land Board on which each region is represented. My Ministry, on behalf of the Central Government and in accordance with these terms of the Constitution, settles on the land, selected by the Central Land Board, only those settlers who have been nominated by Presidents of Regional Assemblies. The regions, therefore, not the Central Government, have the sole responsibility of deciding where potential settlers should come from and in what degree of hardship they must be to qualify for a holding in the settlement schemes designed by the Central Government specifically for the landless and the poor. Regional authorities are consulted as to the types of settlement schemes to be established in their regions.

Mr. Mbogoh: Mr. Speaker, Sir, as the Parliamentary Secretary tells us that they do not keep tribal records, would he tell us what the number is from Embu District, not Embu tribe?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Sir, I am not able to give that information. Our records of settlers are not kept on either a tribal or a district basis.

Mr. Mutiso: Mr. Speaker, Sir, arising out of that reply, is the Parliamentary Secretary not aware that the reason the Minister for Lands and Settlement told this House that the land settlement schemes—when he had a meeting with the Regional Presidents, it was agreed that preference would be given to the tribes in that particular area where the scheme was being handled?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, schemes have been developed in areas of the country, designed to relieve those areas which have surplus population and require settlement. The Central Land Board buys accordingly. It is entirely a matter for the Presidents of the Regional Assemblies as to who is settled there. If the Presidents

wish to give priority to the local people, they will do so. If they wish to give priority to people who are already living on farms, they will do so. If they wish to give priority to people from other parts of the country, they will do so. It is entirely a matter for the Regional Assembly.

Mr. Kamunde: Arising from the Parliamentary Secretary's reply, do I understand that the Minister does not work either on tribal, district or even a regional basis, and if that is true, could he tell us here and now what settlement schemes have been set aside for the Eastern Region?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, the following settlement schemes are operative in the Eastern Region: Kamu, 6,200 acres; Komo Rock, 36,000 acres; Lukenya, 43,000 acres; Mwa Hills, 21,000 acres; Pokot, 6,000 acres; Konza, 29,000 acres; and Budo, 15,000 acres.

Mr. Mbogoh: Mr. Speaker, Sir, does the Parliamentary Secretary agree with me when I say that it is a failure of the Ministry to leave 4,000 Kikuyu families since 1956 to starve in Embu?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, the question brings up a popular misconception as to what settlement can and cannot do. It was never intended to be, and cannot be, an unemployment relief measure. The reason for this is, Mr. Speaker, that all settlement schemes are taking place on land which is already three-quarters full of employees. Therefore, the net gain that one can obtain on any acre of land is relatively small. This is an inescapable fact, and one cannot avoid it. If the House were to give the Ministry land which is empty, we could make a real impact on the unemployment situation; but because we are settling land which is full or relatively full of employees, the net gain must be small.

As regards the unfortunate people who are unemployed in Kirinyaga of Embu District, the Government has carried out a series of unemployment relief measures. They are: the flood relief scheme, the jet settlement scheme, the accelerated forest development programme, *Harambe* farms, increase of recruitment into the police, and the recent agreement between the employers, the employees and the Government to a ten per cent and fifteen per cent increase. This, Mr. Speaker, Sir, is what the Government is doing, and I would suggest that the corollary to this is that Members do all they can to ensure that their districts make the fullest possible use of the land that they have got. There are many empty and idle acres lying in areas which could be developed, and which could absorb unemployment.

Question No. 78**AFRICANIZATION OF EAST AFRICAN AIRWAYS**

Mr. Gatungu asked the Minister for Works, Communications and Power:—

- (a) What steps the Government was taking to encourage the Africanization of East African Airways?
- (b) If the Minister would tell the House how many officers of the corporation were:—
 - (i) South African citizens?
 - (ii) Kenya Africans holding senior executive posts?
 - (iii) Retired expatriates re-employed?
 - (iv) Kenya African air hostesses and stewards on both the local and international routes?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply:—

The Government is taking every step to see that every post that can be Africanized in the East African Airways Corporation is Africanized. There is already a small committee which has set up in the Ministry to go ahead with this matter. With regard to (b), we have a number of South Africans still working in the East African Airways Corporation. I am unable to give the number right now, Mr. Speaker.

An hon. Member: Are there many?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Yes, there are.

With regard to the second part, the answer is that out of a total of 1,326 Africans employed by the Corporation, 456 are occupying posts in the skilled category. Three Kenya Africans occupy middle-management positions and are earmarked for senior executive posts. About twenty Africans hold supervisory appointments. The answer to No. 3 is that we have eleven expatriate personnel who have been retained beyond normal retirement on extensions of up to two years.

Finally, Mr. Speaker, there are twenty-six African air hostesses and stewards in the Corporation at present.

Mr. Gatungu: Mr. Speaker, Sir, as far as the expatriates are concerned, could the Minister tell us whether they have special merits to allow them to be re-employed, because they cannot get local people to do the job?

Mr. Ngala: Mr. Speaker, Sir, would the Parliamentary Secretary tell the House why Nyanza Region has been completely ignored in land settlement schemes?

The Speaker (Mr. Slade): That has nothing to do with this question. It has in the second part, yes.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, it is not true to say that Nyanza has been disregarded. Schemes already in being are Liatego, Manga and Jesane. There are schemes coming forward for sugar development from Muhoroni/Songhor, and as I pointed out to the House, I think only two days ago, this scheme has been held up by the Regional Assembly concerned, which has not given us a piece of land which is necessary for the planning of the sugar operation. I would urge again those Members who come from Nyanza to bring their influence to bear on the Regional Assembly to get this piece of land moved across, so that we can start sugar development.

Question No. 75**REPEAL OF OUTLYING AND SPECIAL DISTRICTS ORDINANCES**

Mr. Omweri asked the Minister for Justice and Constitutional Affairs if he would inform the House how soon he proposed to repeal the following Ordinances:—

- (a) The Outlying Districts Ordinance—1st November 1952 as amended in 1960?
- (b) The Special District Administration Ordinance—29th May 1934 as amended in 1960?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): I am sorry, Mr. Speaker, I have not been briefed on this question, and I notice the Minister is not here. I undertake to give an explanation to the House in about ten minutes time.

The Speaker (Mr. Slade): I did not quite hear your last words. Can you repeat what you said?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Speaker, I see that the Minister is not in the House. I have not been briefed on this question, but I could give an explanation to the House in about ten minutes.

The Speaker (Mr. Slade): We will put the question down at the end.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Yes, Sir, we have to employ these expatriates, because there are no local people available to fill the posts which are already held by these expatriates and, therefore, it becomes necessary for us to retain these expatriates, otherwise the Corporation cannot function properly.

Mr. Ngala: Arising from the reply of the Minister, Sir, I have two questions. The first is, can the Minister give the academic and physical qualifications for air hostesses?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, the academic qualification required of these air hostesses is, normally, School Certificate.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, could he tell us what percentage of the posts in East African Airways are held by Africans?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I am unable to give that percentage, because the hon. Member will know that East African Airways is an East African body including Uganda and Tanganyika. It is difficult to give the figure right now.

Mr. Alexander: Mr. Speaker, Sir, the Minister having told us that he has a committee within his own Ministry to deal with the East African Airways, would he explain whether this is now relieving the Corporation itself of responsibility in the management of its affairs, and the East African Common Services Organization which should be directly responsible for the Corporation.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, this committee set up within the Ministry is only advisory to give recommendations to the Ministry which will ultimately give recommendations to the corporation and to the East African Common Services Organization.

Mr. Gatiguta: With regard to the South African question, could the Minister tell the House whether the loyalty of these South African citizens has been checked, and is the Government satisfied that these people are loyal to this country, those who work for East African Airways?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, we are satisfied that these South Africans who are working with the Corporation are good people, people who are doing their day-to-day duties very faithfully,

and the Government is satisfied that they are doing a good job for Kenya.

Mr. Ngala-Abok: Mr. Speaker, Sir, could the Minister tell us what posts he has advertised to be taken by Africans to prove that there are no local people to take over these jobs?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, there are many jobs in East African Airways Corporation which, at present, cannot be filled by local people, for example, up to now, we have no African pilots who can pilot these jet aircraft, so we have to have expatriates whether we like it or not. Up to now, we have engineers working in the East African Airways Corporation.

The Speaker (Mr. Slade): Order, order, hon. Members cannot complain about not hearing Mr. Mwanjumba if they make so much noise themselves.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I was just finishing by saying that we have in the workshops of the East African Airways Corporation a number of expatriates who cannot be replaced at the moment by local people.

Question No. 80

RETENTION OF LOYAL SOMALI SOLDIERS.

Mr. Makokha: Mr. Speaker, Sir, before I ask my question, to the best of my knowledge in my original question I believe I had the word "loyal", so that the third line should read "only law-abiding and loyal soldiers of Somali origin". If the Minister can note that, I will now ask my question.

Mr. Makokha asked the Minister of State, Prime Minister's Office, what, in view of the fact that several Somali soldiers had defected from the Kenya Army, he had done to ascertain that only law-abiding and loyal soldiers of Somali origin were retained in the Kenya Military Force to serve free Kenya.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to reply. There have been several defections of Somali soldiers from the Kenya Army to the Somalia Republic. For the last month or so, we have not had any defections at all. The army are taking every precaution, particularly at night, to see that the arms are kept in a secure place.

Mr. Mutiso: On a point of order, Mr. Speaker, is it in order, particularly for the Minister who have very low voices, to speak facing you so

[Mr. Mutiso]
that Members can't hear, because when he is facing that way some of us do not hear him at all?

The Speaker (Mr. Slade): I am afraid whatever direction an hon. Member speaks, there is somebody directly behind him, unless he turns his back to the door, which is a somewhat unnatural position. I think you must speak up, Mr. Murumbi.

The Minister of State, Prime Minister's Office (Mr. Murumbi): I wish I were double-headed, Sir. The army are taking every precaution, day and night, and particularly at night, to see that no arms are lost. I said before, there have been no defections to the Somalia Republic or to the *Shifta* during the last month.

Mr. Makokha: Mr. Speaker, Sir, could we be told what steps have been taken in the army, since some soldiers defected, by the Government to see that this does not happen again?

The Minister of State, Prime Minister's Office (Mr. Murumbi): This has not recurred for the last month or so, Mr. Speaker.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies of the Minister, can the Minister tell us how many Somalis there are in the Kenya Army and how certain he is of their loyalty?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I would have to have notice of that question; I do not have the figure in my head.

The Speaker (Mr. Slade): Well, the second part of this question is in the original question already, Mr. Murumbi.

The Minister of State, Prime Minister's Office (Mr. Murumbi): I have answered that already, Mr. Speaker, Sir, but I will have a look at it again.

Mr. Makokha: Mr. Speaker, Sir, for the last three months, the Minister has said that no defections have taken place in the army. Is it then being taken for granted that these people are loyal?

The Minister of State, Prime Minister's Office (Mr. Murumbi): It is very difficult to judge a man's loyalty, but so far as we know there have not been any defections and we are taking every precaution to see that it does not happen.

Mr. Shikuku: Arising from the Minister's reply, would he not agree with me that it would be in the interests of the country that we should try and avoid having these Somalis in the army at this time, and that they should instead be given some other job?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, it is very difficult to follow such a course as there are many Somalis within Kenya who are still loyal to Kenya. We are recruiting them into the Kenya Army.

Mr. Gachago: Mr. Speaker, Sir, does the fact that there have been defections convince the Minister that there is a need for a complete investigation and then for the screening of the Somalis in the army?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, if we take that attitude we should take the same attitude with those who mutinied at Lanet and that means we should have no Kenya Africans in the Kenya Army at all. We have to trust people whether they are Somalis or Kenyans, and it is not the nature of all people ordinarily to defect.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Minister tell what sense there is in placing the Somali soldiers in the North-Eastern Region. Why should they not be withdrawn and sent to other parts of Kenya?

The Speaker (Mr. Slade): That is another question.

Mr. Godaja: Mr. Speaker, could the Minister tell us, as some of these Somali soldiers are being loyal and some of them are being disloyal to this country, why he does not set up a commission of inquiry into this matter so that the Government can satisfy itself on what is going on between the Somali soldiers and the Somali citizens in Kenya?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, the problem is not of such magnitude as to warrant a commission of inquiry.

Question No. 92

KISUMU/TARIME ROAD: TARMAC

Mr. Maisori-Imbo asked the Minister for Works, Communications and Power when the Ministry would start the project of tarmac-ing and macadamizing trunk roads in South Nyanza, especially the Kisumu/Tarime road.

The Minister for Education (Mr. Otieno): On a point of order, Mr. Speaker, there are two words in the question which some of us do not understand. The words "tarmac-ing" and "macadamizing". Are they in order?

The Speaker (Mr. Slade): Mr. Otieno, I cannot rule as a matter of order on people's choice of

[The Speaker]

words or grammar as long as they are not offensive words. In fact, I think most hon. Members know what is meant by these words.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, on behalf of my Minister, I beg to give the following reply. There are no plans at present to bituminize the entire Kisumu/Tarime road. The Government, however, has included a section of this road, that is from Kisumu to Kisii, in the next development programme for betterment. The section between Kisii and Tarime cannot be given immediate consideration for improvement due to lack of funds and road traffic density found on this part of the road, which does not justify bituminization.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, arising from the reply, does the Parliamentary Secretary not know that this is one of the national roads of Kenya?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, that is known, but the fact is that, due to lack of funds and low density of traffic on that road, consideration cannot be given immediately to this road.

Mr. Jamal: Mr. Speaker, is the Parliamentary Secretary aware that the Kisii/Tarime road is more extensively used than many other roads in the country which have already been bituminized and, therefore, needs priority?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, the Ministry is very much aware of the traffic density of that road. It falls from Kisii to Tarime from 230 vehicles per day to sixty.

Mr. Ngala-Abok: Mr. Speaker, Sir, if the Ministry is aware of the traffic density, how can he say in his reply that he does not agree that there is enough traffic density to warrant the betterment of that road?

The Speaker (Mr. Slade): Mr. Nyagah has already pointed out that the density on that road is low.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, is the Parliamentary Secretary aware that this road is one of the major roads as it is the trunk road between Kenya and Tanganyika?

The Speaker (Mr. Slade): We have already had that question, I think.

Question No. 95**BUSIA/KIMILILI: TELEPHONE COMMUNICATION**

Mr. Barasa asked the Minister for Works, Communications and Power if the Minister would draw the attention of the authorities concerned to the absence of telephone communications between Busia and Kimilili and the urgent need for such facilities to be available at these two important centres.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, yes, the authority, that is the Posts and Telecommunications Administration, are aware of the fact that there are no telephone facilities within Busia and Kimilili.

Mr. Gachago: Mr. Speaker, if the Minister is aware of it, what is he doing to remedy the situation?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, up to now our investigations show that these two places do not warrant telephone facilities at the moment.

Mr. Shikuku: Arising from the Minister's reply, when he said that this district did not warrant telephone facilities, on what reasons do you base your decision?

The Speaker (Mr. Slade): On what reasons do you base not speaking to the Chair, Mr. Shikuku?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, there are other places in Kenya with higher priorities than these two places.

Mr. Masinde: Mr. Speaker, Sir, arising from one of the Minister's replies, does he imply that a district has to share with the administrative centre, and cannot qualify for a telephone?

The Minister for Works, Communications and Power (Mr. Mwanjumba): I have said that, even if it qualifies, it has to be placed together with other districts elsewhere and we take the places in the order of priority.

Mr. Masinde: Arising from the Minister's reply, in what priority do Busia and Kimilili fall?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I think I will need some time to give that list.

Mr. Shikuku: Arising from the last reply, the Minister said in one of his earlier replies that these places do not qualify for telephone facilities, but

[Mr. Shikuku]

now he says that he is going to look at the priority list. Is he not confusing this House? Will he agree with me that, in view of the fact that Kimilili and Busia require telephone communications, he should let us know that the people in these areas will also be placed on his priority list?

The Minister for Works, Communications and Power (Mr. Mwanjumba): I have said that these places are all considered in our investigations and development programme, but they do not rank first priority.

Mr. Masinde: Mr. Speaker, Sir, arising from one of the Minister's replies, could he tell the House how long it will be before he gives us the place in the priorities in which Busia and Kimilili stand?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, it depends on the availability of money.

Question No. 98**INDEPENDENCE GIFTS AND THEIR USE**

Mr. Ngala asked the Minister of State, Prime Minister's Office, to give a breakdown of the various types of independence gifts, in kind or cash, that Kenya had so far received from within and outside Kenya, and state to what use each gift had been put.

The Minister of State, Prime Minister's Office (Mr. Murumi): Mr. Speaker, Sir, I have a list of sums of money that have been received which runs to seven pages and of gifts which runs into four pages. I do not think the House would like to waste another hour while I read them. Mr. Speaker, I would request that this be circulated.

The Speaker (Mr. Slade): You will give him a written reply.

Mr. Ngala: Arising from the question—

The Speaker (Mr. Slade): You cannot ask much about a written reply.

Mr. Ngala: Mr. Speaker, arising from the non-reply given by the Minister, can we be assured that these written replies will be in our pigeon-holes before we go home this afternoon?

The Minister of State, Prime Minister's Office (Mr. Murumi): Mr. Speaker, Sir, I cannot guarantee that, but it will be during the course of the week.

The Speaker (Mr. Slade): I do not think we can pursue this any further until you get the written reply. Next question.

Mr. Mutiso: On a point of order, Mr. Speaker, I seek your guidance. A question appearing on the Order Paper like this, when it is stated that it will be replied to in a written form, would it only be sent to the person who actually asked the question?

The Speaker (Mr. Slade): I answered that a few days ago, together with a whole lot of other questions about written replies. The answer is that it is published in HANSARD, but do not keep on asking the same questions.

Question No. 99**YOUTH EMPLOYMENT SCHEME**

Mr. Ngala asked the Minister for Labour and Social Services to give the quotas assigned or applied for by every Region in regard to the 3,000 youth employment scheme.

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, I beg to reply. Five hundred from each Region.

Mr. Ngala: Mr. Speaker, arising from that reply, could the Minister give us an assurance as to when these orders were sent to the Regions and how?

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): I cannot give that.

Mr. Ngala: Arising from that reply, is the junior Minister then not telling us the facts when he says 500? Can he tell us when the 500 will go to the Regions and how he plans to send them?

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, I think the hon. Member knows that this national youth scheme will be established in the Regions and that the Regions will not be sending their 500 quotas to Nairobi.

Mr. Ngala: Arising from that reply, Sir, since the Parliamentary Secretary has agreed that the Regions are giving 500 people to the scheme, will he tell us what the amount of the financial contribution of his Ministry will be?

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): There is a quota of 3,000 from the Regions.

Mr. Omweri: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, my simple arithmetic gives me 3,500 youths for the seven Regions; we have 15 he-making an allocation for a different Region which has no youths?

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, I am sure that the hon. Members must have known that when we announced these schemes, the North-Eastern Region was left out, because of the special security situation there.

Mr. Oduya: Mr. Speaker, Sir, can the Parliamentary Secretary tell us whether Nairobi is included in this scheme or excluded? Please answer that. It is not a question of Region.

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): I did not hear the question.

Mr. Oduya: I asked if Nairobi was included in this scheme, because Nairobi has an unemployment problem.

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Nairobi will be included.

The Speaker (Mr. Slade): I did not hear the answer, I am afraid.

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Nairobi will be included.

The Speaker (Mr. Slade): It will be included.

Mr. Balala: Mr. Speaker, Sir, the Parliamentary Secretary has not yet answered one question, and that is when will these be established?

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, as soon as arrangements can be made.

Mr. Masinde: Arising from one of the Parliamentary Secretary's replies, does he imply to this House that Nairobi is considered as a Region?

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): No, Sir.

Question No. 101

STUDENTS TO BULGARIA: ARRANGEMENTS

Mr. Choge asked the Minister for Education, with reference to a promise made in this House by the Ministers for Education and for Home Affairs on the 13th November, 1963 that Government would soon make arrangements to send to Bulgaria those fifty students who were disappointed on the 6th November, 1963, whether he would now state what arrangements had been made and when these students would go?

The Minister for Education (Mr. Otiende): Mr. Speaker, I am not aware that a definite promise was made in this House by myself and the Minister for Home Affairs, I remember we gave information only. Arrangements have been made for students to go to Bulgaria at the beginning of the session in September. At the same time, we have made alternative arrangements for those forty-six boys who were stranded, to go to India, and they will enter the technical colleges at the end of this month.

Mr. Choge: Mr. Speaker, Sir, the Minister said that he did not promise this House that these students would be taken to Bulgaria soon.

The Minister for Education (Mr. Otiende): The problem has been solved for us in that those stranded will not go to Bulgaria, but we shall send another new group altogether to Bulgaria.

Mr. Choge: Are those students who were stranded, Mr. Speaker, going to be paid by the Education Department because they have wasted their time in Nairobi for two or three months.

The Speaker (Mr. Slade): I think that is outside the question. The question is, what arrangements have been made for the students to go abroad and when.

Mr. Gatuguta: Mr. Speaker, Sir, I understand the Minister is making arrangements for these students to go to India. May we know when?

The Minister for Education (Mr. Otiende): I said at the end of this month.

Mr. Mutiso: Mr. Speaker, Sir, since we understand on this Bulgarian issue that these students who went to Bulgaria went on a tribal basis, could the Minister tell us whether those tribes which were represented on this Bulgarian air-lift will be given first priority when considering the next air-lift?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I cannot answer that, because the group I chose was not on a tribal basis.

Mr. Choge: Can the Minister assure the House that these students who are going to India will have to study the courses they applied for and not other courses?

The Minister for Education (Mr. Otiende): Not only will they study the courses they have applied for, Mr. Speaker, but we have taken the trouble to go into the ability of every student and we have chosen better courses for them than they had chosen themselves.

Mr. Kibuga: Arising from the Minister's reply, can we have the Minister's assurance that if any student is not interested in going to India, his place in Bulgaria will be reserved?

The Minister for Education (Mr. Otiende): Mr. Speaker, I have not come across such a preference, but if any student does not want to go to India, I shall not force him to go.

Mr. Choge: Can the Minister, brief this House as to what courses these students will take, which ones?

The Minister for Education (Mr. Otiende): The courses that most of these students will take will be technical. The House will agree that there are too many people going out to do some dubious courses, and this time we have made it impossible for them. Every one of them will learn something that will help this country when he comes back, something to do with engineering.

Mr. Kiprotich: Will the Minister tell the House how many students went to Bulgaria without passports?

The Speaker (Mr. Slade): No, I do not think that comes into it.

Mr. Lorema: Mr. Speaker, Sir, will the Minister tell the House whether he has passed this information to the students or not?

The Minister for Education (Mr. Otiende): My Ministry is always in communication with these students, and can call them at a moment's notice.

Mr. Ngala: Mr. Speaker, Sir, will the Minister tell this House whether he has consulted the students who are sent to India as to what it is like in India and what courses are taken?

The Minister for Education (Mr. Otiende): Yes, Sir.

Question No. 132

KENYA TELEVISION IN TANGANYIKA: PAYMENT

Mr. Anyien asked the Minister for Information, Broadcasting and Tourism whether he was aware that the Kenya Television relay was fully utilized in some parts of Tanganyika without payment to either the Tanganyika or Kenya Governments?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, I beg to reply. The Government is aware that the Kenya Television transmissions are received in the Arusha and Moshi areas of Tanganyika. They

are, however, not normal transmissions. They are carried there due to atmospheric conditions and it may be that this occurs when the weather is good. But there is nothing that the Kenya Government can do to stop people in the area receiving the service, as the Government has no jurisdiction over them. Nor does the Kenya Broadcasting Corporation intentionally transmit television programmes to Tanganyika. The present legislation authorizes the seller of a television set to demand licence fees at the time of purchase and, therefore, the sets now being used in Arusha and Moshi, if they were bought in Kenya, Tanganyika or Uganda, and bought within the last six months when the regulation was amended, have already been paid for and normal fees for licences have been paid.

Mr. Anyien: Arising from the Minister's reply, in view of the fact that Tanganyika and Kenya are on good terms, would the Minister give an assurance to this House that he is going to get in touch with the Tanganyika Government to ban the selling of television sets in Tanganyika except from Kenya?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, I think that is impossible.

Mr. Kall: Is it not possible for the Minister, or for the Government, to make arrangements with the Tanganyika Government to charge the people who have television sets in Tanganyika, and then transfer this money to Kenya?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, I have just replied that, according to the present regulation, those who bought their sets last year have already paid for licences, and therefore there is no question of making new arrangements or demands because the law says that before a buyer buys a radio set, he is to pay for his licence.

Mr. Mutiso: Mr. Speaker, Sir, what makes the Minister believe that the people who bought the television sets, which are used in Moshi and Arusha, had television licences? Does he have a record of the television sets which were sold from Kenya to Arusha and Moshi?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, this is an East African Common Services regulation and it covers all of Tanganyika.

Mr. Oduya: Mr. Speaker, Sir, may I ask the Minister what he thinks about the pictures on the television which show all the European activities and not the African activities?

The Speaker (Mr. Slade): Order, order. That is nothing to do with this question at all.

Mr. Jahuzi: Mr. Speaker, Sir, I want the Minister to make it quite clear to the House whether, when a man buys a television set today in Tanganyika and pays for a licence, that money comes to Kenya?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): I cannot assure the House, Sir.

The Speaker (Mr. Slade): Mr. Nyamweya, are you ready now to deal with Question 75?

Question No. 75

REPEAL OF OUTLYING AND SPECIAL DISTRICTS ORDINANCES

Mr. Omweri asked the Minister for Justice and Constitutional Affairs if he would inform the House how soon he proposed to repeal the following Ordinances:—

(a) The Outlying Districts Ordinance of the 1st November 1952, as amended in 1960; and

(b) the Special Districts (Administration) Ordinance of 29th May 1934, as amended in 1960?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Speaker, I wish to apologize to the House for the confusion which has risen in connexion with this question. The question was referred by the Ministry of Justice to the Ministry of Home Affairs on 15th January 1964, but for reasons which I cannot explain, Mr. Speaker, the reply I have for the House is that consultation has been carried on between the Ministry of Home Affairs and the Ministry of Justice and Constitutional Affairs, and they have come to the conclusion that for the time being the Government has no intention to repeal or amend these Ordinances. However, this does not mean that on receipt of reasonable representations from hon. Members of this House, or for that matter members of the public, such representations will not be given due consideration.

Mr. Gatuguta: Mr. Speaker, Sir, may we know the reasons why the Parliamentary Secretary thinks that this is not the time to repeal these Ordinances, and does he not think that this is contrary to the Constitution of this country, which guarantees freedom of movement?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Speaker, Sir, maybe the hon. learned Member for

Kikuyu is not conversant with the Constitution of Kenya: Section 25 of the Kenya Independence Order in Council 1963, subsection 6, says: "Until it is otherwise provided by a law made by the Regional Assembly of a region, nothing in this section shall affect the operation in that region of the Outlying Districts Ordinance, or the Special Districts (Administration) Ordinance, or any law amending or replacing either of those Ordinances." This, Mr. Speaker, Sir, is under the section which deals with the protection of freedom of movement.

Mr. Gatuguta: Mr. Speaker, Sir, does the Parliamentary Secretary not think that it is time this particular section is actually repealed?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Speaker, I have already said that on receipt of reasonable representations from hon. Members of the National Assembly and members of the public who so desire to make representations, the Government will consider those representations and give them any weight of consideration they deserve.

Mr. Omweri: Mr. Speaker, Sir, will the Parliamentary Secretary tell us for whose benefit these Ordinances are there?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Speaker, Sir, if the hon. Members feel that these Ordinances do not serve any useful purpose, they are quite at liberty to make representations to the Ministries concerned.

Mr. Omweri: Mr. Speaker, Sir, is the Parliamentary Secretary aware that these Closed Area Ordinances were placed there by colonialists to further their policy of divide and rule?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Speaker, Sir, the reason why these Ordinances were made during the colonial time is not in question. What is in question is whether these Ordinances should remain in the Statute-Book or not. It is up to the hon. Members of this House to satisfy the Government that these Ordinances are no longer useful.

Mr. Gatuguta: Mr. Speaker, I think the Parliamentary Secretary is giving a negative answer to this, but may we have a positive answer as to the reasons why the Government feels that this Ordinance should continue?

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Speaker, I have already replied on more or less the same question to the hon. Member for

[The Parliamentary Secretary for Justice and Constitutional Affairs] (Mr. Nyamweya) replied to the Member for Kikuyu, but to simplify the reply for the benefit of the Member for Kikuyu, I would like to say that before these two Ordinances are repealed, the Government first of all must be satisfied that they are no longer useful. Secondly, according to the Constitution, it will be necessary to get the approval of the Regional Assemblies.

The Speaker (Mr. Slade): I do not think anything will be gained by pursuing this question now. It seems to rest largely on the Regional Assemblies.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, I do not intend to go back on what has been passed, but since the Parliamentary Secretary explained to the House that they considered these Ordinances jointly with this Ministry and the Ministry of Home Affairs and reached the conclusion that it was not necessary to have them repealed, could we not be told what considerations were taken into account which convinced this Ministry that it was a necessary—

The Speaker (Mr. Slade): Mr. Ngala-Abok, you know very well that that is not a point of order. You must be careful about what is a point of order if you want to stay in this House.

Mr. Anyieni: On a point of order, Mr. Speaker, is it in order for you to stop supplementary questions when the Members are not satisfied?

The Speaker (Mr. Slade): Yes.

BILL Consideration of Report, and Third Reading

THE CUSTOMS TARIFF (AMENDMENT) BILL

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Speaker, Sir, on Wednesday the Committee of the whole House considered the Customs Tariff (Amendment) Bill and approved the same with amendment. I beg to move that the House do agree with the Committee in the said Report.

The Minister for Commerce and Industry (Dr. Kioko) seconded.

The Speaker (Mr. Slade): Order, order, there are so many hon. Members walking about.

(Question proposed)

(The question was put and carried)

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Speaker, I beg to move that

the Customs Tariff (Amendment) Bill be now read a Third Time.

The Minister for Commerce and Industry (Dr. Kioko) seconded.

(Question proposed)

Mr. Pandya: Mr. Speaker, Sir, I know it is unusual to take part in a debate on a Third Reading of the Bill, but certain information has come to my knowledge after the Committee stage of this Bill, and I wonder whether the Parliamentary Secretary who moved the Third Reading could give me more information on it? It has come to my knowledge that the Uganda Parliament, about three days ago, did not approve the duty of 17½ per cent that was proposed—I am referring to a specific item 58 (iii) (a) which refers to mild steel strips, bars, rods and angles, excluding steel sections, imported for the manufacture of windows and doors.

The Speaker (Mr. Slade): That is in the Schedule of this Bill, is it?

Mr. Pandya: Yes, Mr. Speaker. That is the amendment which was proposed.

If this is true, and I have no other means to verify this, it would mean that there is no co-ordination between the various Governments who are trying to protect local industry. In this particular case, this duty was brought to protect an industry in Uganda, and I am told on good authority, Mr. Speaker, that the Uganda Parliament did not approve the proposed duty.

The other thing, Mr. Speaker, is that if that is so, the Kenya merchants will be at a great disadvantage, because Uganda will not have this duty while Kenya will be imposing duty of 17½ per cent. Sir, I ask the Parliamentary Secretary if this is an example of co-ordination among the various East African Governments, particularly when they are in the common market, and then they do not have common policies. We have proposed this duty to protect an industry which is located in Uganda. As I said, Mr. Speaker, I have this information. The Parliamentary Secretary can either confirm it or deny it, but I would suggest to him that there should be an inquiry into this, and let this House know the correct position with regard to this particular item of 58 (a) as far as Uganda is concerned.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Speaker, Sir, I should say at once that if the hon. Member has the information as he says, as he has given it to us, we shall, no doubt, get in touch with Uganda and see what we can find out. It is certainly wrong for him to

[The Parliamentary Secretary to the Treasury] draw the conclusion that there is no co-ordination between the East African Governments, because, as I said when I moved the Second Reading, there were lengthy consultations between the Ministries and the Governments of the three countries. As he himself has said, the amendments were brought to protect the Uganda Steel Corporation which is producing these products locally, and we brought in these higher tariffs to protect them. It seems to me unlikely, Mr. Speaker, to say the least, although I intend to inquire, that the same people who, in the first instance, wanted the tariff to be raised so as to protect their own industry, would then suddenly decide that they no longer wanted it. So, the only possibility to my mind, is that Uganda may have had a suggestion that the tariff ought to be higher. This I do not know; but what we are sure of is that the 47½ per cent which has been imposed was agreed between Uganda, Tanganyika and Kenya. Therefore, Mr. Speaker, I would think that the wisest course for us to follow is to pass the Bill as it now stands because of the agreement between the three Governments, and if the information of the hon. Member is correct—I doubt it very much—we shall no doubt have further consultations between ourselves and Uganda. I would like to repeat again that it was Uganda who wanted the tariffs to be amended in this way to protect their local industries, and we agreed with them, because we are in a Common Market. Therefore, I think we ought to go ahead. I do not want to make a lengthy speech, but we shall look into the matter he has just mentioned, and I would beg to move.

(The question was put and carried)

(The Bill was accordingly read the Third Time)
(Ordered that the Clerk carry the said Bill to the Senate, and desire their concurrence)

MOTION

REDUCTION IN BILL PUBLICATION PERIOD: THE TRADE DISPUTES BILL

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, on behalf of my Minister, I beg to move:—

THAT this House agrees that the period for the publication of the Trade Disputes Bill be reduced from 14 days to two days.

Mr. Speaker, Sir, the apparent hurry with this Bill is not designed to deny the hon. Members the opportunity of expressing their views fully on this Bill. We are hurrying with this Bill because of dire necessity. A few weeks ago, the Government and the employers of Kenya and

the Kenya Federation of Labour signed a tripartite agreement designed to give jobs to the unemployed men and women of Kenya. One of the conditions under which this agreement was signed was that the Government would set up a tribunal as a part of the machinery to help the workers and employers to process disputes. Sir, in the Bill, which I will be explaining in a few minutes' time, we have a provision for establishing an industrial court. This industrial court will be one of the major means through which disputes arising between employers and employees will be processed during the year when we will be operating the unemployment relief scheme. It is because of this, Sir, that we think it fit that before this Parliament adjourns, we should have a legal instrument to enable the country to give jobs to the unemployed, and also to enable us to process disputes during this time when there will be no dismissals, no strikes and so on. We need special machinery for processing disputes, and it is provided for in this Bill. This is why, Sir, we are asking this House to allow the Bill to go through in the shortest possible time.

The Minister for Commerce and Industry (Dr. Kiano) seconded.

(Question proposed)

Mr. Njala: Mr. Speaker, Sir, I stand to oppose the Motion moved by the Parliamentary Secretary. I think we appreciate the need for an unemployment scheme, but we need time to consider the implications of this Bill, the Trade Disputes Bill 1964, and it has very essential aspects which require serious consideration. The Government should realize that reducing the period of publication from fourteen days to two days is a very important matter. I think matters of labour in this country and in East Africa as a whole have to be given serious consideration by Members of this House and, when a Minister moves such an important Bill, he must give us sufficient time to look into it.

Looking into the contents of the Bill, there are many aspects of great interest to workers, not only during the time when the Ministry is trying to introduce an unemployment scheme but, once we have passed this Bill, the workers in the whole of Kenya will be covered by this law and, because they are covered by this Bill, we would like more time to do our homework on the Bill. I think it is quite unfair to refuse ordinary Members the chance to do homework on such an important Bill. The tripartite agreement is also appreciated by us; but I understood in the tripartite agreement the idea was that these disputes would be

[Mr. Ngab] reduced over a period of one year so as to enable an intake of workers at different levels. I am surprised to get the impression from the Parliamentary Secretary that disputes will increase. I stand to be corrected here, but my impression was that disputes would decrease by virtue of the tripartite agreement.

The other thing is that the Parliamentary Secretary said that he wanted a short time to give employment to the people. I cannot see how the giving of employment to people, who are queuing up in different centres in Kenya, will be stopped by this Bill. This Bill is concerned with how disputes can be dealt with and the methods by which disputes can be handled. Therefore, I think the giving of employment is a different issue. This Ministry can go ahead giving employment if there is unemployment in the different centres. My submission, Sir, is that it is very wrong for this Ministry to deny this House and the Members a chance of doing their homework properly on labour issues which are very important. We are concerned that the labour policy of this Government should be a right and democratic one and, therefore, we should be given time in which to study whatever Bills are brought up by the Ministry of Labour.

We are also concerned with the welfare of the workers, and we should be given time to study any documents which concern their welfare. To reduce the period from fourteen days to two days is ridiculous. I think the Government should have this passed in the normal way and it would be very helpful to the country. We are at the disposal of the Government; we can be called next week to discuss this, or we can be called any time to come here. This is what we are elected for. Therefore, I do not see the hurry in this. Certainly, they are not hurrying so as to give employment. I think this is an unfortunate statement by the Parliamentary Secretary. I submit that the normal time should be given to this, and if it is necessary to recall the House, even for one day next week, that should be done so that we can do our work properly.

I oppose.

Mr. Omweri: Mr. Speaker, Sir, personally, I appreciate the idea behind this Bill, and the way the Parliamentary Secretary has moved the Motion, but there is a point which is going to be reflected to the public, that is, how sleepy our Ministers are in their offices. If they had foreseen that this type of Bill would be needed in the near future—we have been here for three weeks—this Bill should have been introduced and allowed to

go through the normal channels. Mr. Speaker, Sir, on Wednesday we had to go through Private Members' Motions because the Government had no work to produce. I think our Ministers are not really planning ahead on what they are going to do for the country. We feel that this Motion, as other Motions moved by Ministers previously, is going to encourage our Ministers to come here and hurry us up without knowing exactly what we are required to do. We should have enough time to be briefed, and to know exactly what the plan is which our Government has.

The Parliamentary Secretary has said that the necessity of passing this Bill is so that our people get employment, because there are unemployed people, but the other week the Prime Minister said in the papers that about 10,000 new people have been employed. Were these 10,000 people prevented by this Bill from not getting employment? If the unemployment problem is being reduced, and people are being employed, we do not see his point which he made; it does not hold any water. We feel that if there is the necessity to have these Bills produced in Parliament for consideration, the normal channels should be followed and the normal days adhered to. I do not have the Bill. I do not know what it says, but if we are to be asked just to come here and support the Bill before we know exactly what it involves, we feel that is a wrong move on the part of our Ministers. They should not expect Bills to go through like that. I would ask the Parliamentary Secretary to introduce the Bill later and let it go through like all the other Bills we have, so that it is read in the normal way, rather than having it hurried through like this.

For the reasons I have already given, Mr. Speaker, it is an indication that in the future we might have similar Motions asking us to do this, simply because in the week before the Motion is introduced our Ministers have been sitting at their tables doing nothing, not planning for the Government, not planning for their Ministers, and, then they come here and ask us if we would please pass this Bill. We would like our Ministers to plan ahead of any Bill of national interest, and to tell us to come here and support them.

As I have said, Mr. Speaker, the Bill is a good one, we do not oppose it, but this idea of negligence, of not planning what is going on, makes me personally oppose the Motion.

Mr. Masinde: Mr. Speaker, I do not have much to say, but this is possibly the third time that we have been asked by this Government to reduce the publication period of a Bill because it is in the national interest. Whoever brings the suggestion

[Mr. Masinde] has the same excuse. This is a very big problem which will affect the Kenya people, particularly the workers, and there are thousands and thousands of them: this affects the employed and the unemployed. That is why it is necessary, Sir, that we should make a thorough study of whatever we pass here. We are not going to be the rubber stamps of the Ministers, who sit as if they were little gods. We have given the Ministers able people to work behind them, help them, every day. The Ministers must put on their lights and work at night, so that they can bring such a Bill in the normal way.

As far as this Bill is concerned, it is a very big thing. It is not a small piece of paper to be read in the library, to refer to briefly. Kenya faces a lot of problems, but introducing a Motion like this is not going to show anyone that Kenya is moving ahead. It is only going to show the people that we are not making use of this Parliament. We are elected to represent the interests of everybody in this country and, if we do so properly, we must have a thorough say on such an important Bill as this.

For this reason, the Bill must come through the normal procedure, and I have decided to oppose the Motion.

The Speaker (Mr. Slade): Before inviting any other hon. Member to speak, I would refer back to something which I heard Mr. Ngala say, to the effect that the House would be available to consider this Bill next week. What I want to point out is that if this Motion is entirely rejected, the Bill will not be ripe until the week after next, but an amendment could be moved to this Motion substituting five or six days for the two days now proposed, which would make the Bill mature on Tuesday of next week. I wanted to give an opportunity to Members to effect what they have in mind.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I am a little at a loss. I normally find that the hon. gentlemen from the opposite benches tend now to take the position where they oppose for the sake of opposing.

Hon. Members: Question, question.

The Minister for Home Affairs (Mr. Odinga): and if this is going to be the case this morning, you must know that we on this side know how to deal with that because we have been in the Opposition.

The Speaker (Mr. Slade): Mr. Odinga, I cannot allow that sort of criticism when hon. Members are trying to uphold Standing Orders.

The Minister for Home Affairs (Mr. Odinga): I am sorry, Mr. Speaker, if I have been wrong in my submission, and I only put it because I felt that appreciation was due from the Opposition for the explanation which has been given.

Mr. Ngala: On a point of order, is the Minister in order in threatening the Opposition on a legitimate stand taken by them, just because he is in the Government?

The Speaker (Mr. Slade): No, Mr. Odinga, I do not think you should pursue that line. This is a Standing Order which requires publication. It is only the will of the House which can alter the period, and hon. Members are exercising their prescribed rights. You must not criticize or threaten them if they do so.

The Minister for Home Affairs (Mr. Odinga): It is all right, Mr. Speaker. I have just said that I am now taking a more liberal attitude to it. I wanted the Opposition to appreciate the difficulties and the problems which we are facing. We want to bring this Bill today because it is non-controversial. It is something which is quite straightforward. The reason why we have delayed putting it forward is that we wanted, first of all, to explore the possibility of agreement with all those people who are concerned, people such as the employers' associations, the trade unions, and all the others. We wanted to get them to agree and this we have done. The work of the House will not now be very difficult. It would be terrible, if anything which is passed from this House should be destroyed immediately it leaves this House. As soon as we had done that, we published this Bill, and it has now been going for two days in which the Members could study it. It is a small piece of paper like that, and when the Bill is introduced today, the Members tell us to wait for another week. Is that trying to help the Government to save money, or do they just want to extend the days for the sake of extending them? This being our final day, if we could also pass this Bill, it will help the Government to deal with unemployment which is really very serious in the country, and we will also be helping the Government to do things about these disputes, which are already imminent, in a more acceptable manner. The Government is appealing to all Members, from the Opposition side, and from this side, because we feel that it would not hamper anything if it were passed. The Government have actually postponed other things for this. Instead of one Motion which we should have taken today, we have left that Motion out and inserted this Bill in its place. It is us who have actually taken out time, and inserted this Bill instead. If

[The Minister for Home Affairs]

you can actually pass this it would not be a bad idea at all. Therefore, I am appealing and asking all of you, including the Opposition, to support this Bill, which is very essential indeed for our carrying on.

Thank you, Mr. Speaker.

Mr. Agar: On a point of order, Mr. Speaker, Sir, I would move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): Under Standing Orders, it is for the Speaker to decide whether the closure would be fair to Members at this stage. I think that, in view of the importance of this matter, it would be premature to allow that question.

Mr. Shikuku: Thank you, Mr. Speaker, I do not have very much to say on this Bill because, for one thing, Mr. Speaker, the Minister for Home Affairs told us that we received this Bill two days ago. Mr. Speaker, the Bill, I know for certain, was placed in my pigeon-hole only last night. I only picked it up this morning and it is very unfair to say that this Bill has been there for the last two days, when, in actual fact, it has not.

One thing which I would like to point out, is this: this Bill, if you look at it, is not a small Bill, it is a very important Bill which concerns the future of this country. We are all interested in the well-being of the people of this country and the stability of this country, but I feel, Mr. Speaker, that we should not be rushing into passing this Bill, because we would not be building but destroying. There will be a lot of strikes, a lot of discontent, and this will prejudice our economy if we pass this Bill.

The Government must realise that they are governing people and not animals. Therefore, Mr. Speaker, it is very unfair for us to look at this and agree all the time just to allow the Ministers, who seem to be very tired, people who can never see ahead, to tell us the position out of the blue and expect us to say yes. We are not elected to come to this House just to give an O.K. to the Government. We are elected to this House to protect the people. But if this Bill is going to be considered today and be passed today, as has been suggested by the Parliamentary Secretary, then we will be doing a disservice to the country. I feel, Mr. Speaker, that it has almost become a practice for the Government to do this, and I think they are trying to get away with this, especially in vital matters such as this.

Of course, we the Opposition are responsible people, we know what is national and what is urgent and this, Mr. Speaker, this Motion is national, but it is not urgent. There is no ground for urgency whatsoever for it. The reasons given by the Parliamentary Secretary and repeated by the hon. Minister for Home Affairs are completely unacceptable to any sensible man because this Bill does not stop any employment of any person. We are not being asked to approve this Bill so that we can have more people employed or given jobs. There is nothing in this Bill which says that. Therefore, it is not all that urgent; the reasons we are given for hurrying this through are not true. Mr. Speaker, I feel that this Bill is, in itself, a suppression. I have had a rough look at it and I can see it is a suppression and no one can tell me that I must sit here and help the Government to get this through. The most important part of this Bill is that we are deciding the future of the country and of our people who are workers. This Bill, Mr. Speaker, if you look at it quickly, you will find some parts of the Bill are actually dictatorial and deny the freedom of workers from demanding their wages increase. Therefore, Mr. Speaker, I do not need to say much on this, but may I say that I would like to move an amendment to the Motion. I know I will have the support of all those people who have the interests of the workers at heart. Mr. Speaker, the time has been so short, I know that one must give an amendment in writing but I only want to change one figure, so I think you might allow me?

The Speaker (Mr. Slade): That is all right, we will forget about the formalities.

Mr. Shikuku: Thank you very much, Mr. Speaker. I beg to move that the Motion should be amended to read:—

THAT this House agrees that the period of publication of the Trade Dispute Bill be reduced from fourteen days to seven days. I feel that instead of "two days" it should be "seven days".

The Speaker (Mr. Slade): So the amendment you propose is that we leave out the "two" and substitute the word "seven"?

Mr. Shikuku: Yes, Sir, I feel that this would be a period during which we would be able to read the Bill and study it carefully and take into account that this is a very vital issue and contains material for the welfare of the country.

With these few remarks I beg to move the amendment.

Mr. Gichoya: Mr. Speaker, I beg to second the amendment. Although the amendment has come from the Opposition I feel that I must of necessity second it. There is no question of forcing us, we are not children here, Mr. Speaker. We are elected to represent the national interests and, when my Government is wrong, I am entitled to my rights as a person representing my own people to say that it is wrong. The Junior Minister who was presenting this Bill said that he wanted to get the leave of the Tripartite Agreement which is aimed at procuring employment for the unemployed. It is a good idea, but we must speak on general terms. The means to achieve that employment should not be used for certain wrong motives. I say this, Sir, because this is a rush measure and even the Tripartite Agreement was a rush measure. The Tripartite Agreement, if I could refer to it, is today somehow ineffective because, even in the Bill, we hear that the East African Common Services Organization employers are not affected at all by the Bill. In other words, the Railways and Harbours Administration, have nothing to do with the Tripartite Agreement.

The Speaker (Mr. Slade): Mr. Gichoya, I do not want to interrupt you but we must distinguish between discussing the merits of the Bill now and discussing its importance and the need to study it.

Mr. Gichoya: Yes, Sir. The reason behind my asking for an extension of the days is that we should not take a step which leads us to believe that there is something wrong somewhere. I take as an example the Railways and Harbours, the workers problem. Today, under the Agreement which has been signed, it gives certain moral obligations between the workers, the employed and the Government. That Agreement cannot be implemented in the Railways today. If the Ministry had taken the trouble with this to find out the possibilities even of bringing the Railways into the problem by consulting the other East African Governments, then this would be very effective. But unfortunately, it cannot be, and so we have to examine this Bill in the light of the previous Bills in this country, so that we do not pass a Bill and later regret it. I do not understand why we should not wait a day or two as we did with the Citizenship Bill which was a part of the Constitution of Kenya. It was implied that unless and until that Citizenship Bill was passed within the shortest possible time, the Constitution of Kenya would not have been completed and hence we passed it to facilitate the date of Independence.

The second thing was the Deportation Act. We passed it within a few minutes, thinking that

this perhaps would also help us in preventing a character from another country entering Kenya. As soon as the Bill was passed by this House, the next morning, I heard that Okello was marauding in Kenya, where, nobody knew and under whose authority, nobody knew. Yet, the Bill had already been passed, and was in the hands of the Government, having been passed by this National Assembly. The Bill that said that we must be safeguarded from bad characters entering the country. The Bill was to strengthen the security measures in the country. So certain measures were rashly put before the House and rashly accepted by the House, and will have a tremendous effect later on. It will be very wrong indeed, Mr. Speaker, for us to view things lightly, like more immature leaders of the country. When two Ministers force something before this House and, in the name of the Government, we are told that it has to be passed, we are killing the Opposition. I know that we are killing the Opposition, but we must not kill the Opposition so that one man can dictate to the National Assembly. Kill the Opposition but, within the party itself, we should have the freedom to express our opinions, but we cannot say that whatever comes from the Government, because it comes from the Cabinet—it is the rule of the country. Whatever is passed by the National Assembly is the rule of the country and we should, be given ample time to go through the Bill and compare it with other Bills which might have been in existence before we came into this Parliament, and then see what we find. Whether it is just a Bill motivated by certain things, or whether it is definitely a Bill for the good of the country.

Mr. Speaker, Sir, I second that we have the number of days extended to six days instead of two.

The Speaker (Mr. Slade): No, you said you were seconding the amendment.

Mr. Gichoya: I am sorry, Sir, seven days.

(Question of the First Part of the Amendment that the word to be left out, be left out proposed)

Mr. Khasakhala: Mr. Speaker, Sir, I beg to oppose the amendment. If hon. Members were doing their duties to serve the country well, they should have read this Bill right up to two a.m. this morning. The Bill is only ten pages

Mr. Speaker: I am standing to speak and they must hear my reasons, instead of interrupting me with noise.

[Mr. Khasakhala]

If the hon. Members had taken the time to read the Bill, I do not see why they need an extension of its publication period. This Bill has a lot of things in it which have gone through different stages. The employers have made their contribution; the Kenya Federation of Labour, which is responsible to the labourer and to the worker, has had a say in this Bill; the National Assembly is asked to pass the Bill so that the Government can have the power to go ahead with what it wants to do. Mr. Speaker, it was only last week that the Government started on the heavy task of reducing unemployment. The Government cannot move to the next stage before it has this Bill passed legally in this House and, therefore, Mr. Speaker, I do not see the reason why Members are complaining that they should be given more time to consider this Bill. They had this Bill in their pigeon-holes and if they received it, they should have read it through last night and they should have been prepared to contribute to the Bill this morning.

With these few remarks, Mr. Speaker, I beg to support the Motion without the amendment.

Mr. Theuri: Mr. Speaker, I rise to air my own views on this particular Bill.

This Bill deals with trade disputes. We are fully aware that politics are over in Kenya and that the politics have gone back to the trade unions. These trade unions are giving the country a problem and we cannot have only one day to discuss something which will affect the whole country. It is good for the Government to put this view across, but it is something which will affect the whole nation and we, the Members of the Government, on the side of the Government, are not here to say that everything that is brought by the Government is good. We are here to criticize what the Government is trying to do if need be. Some things might be very good for the nation but we must be given the reasons. We know in our Party we have a Ministerial Committee. The committee could have brought this Bill to us and we would have discussed it, and we would have given our views. But the Minister has kept it for a long time before giving it to us. Maybe they are saying that they have a lot of things to do in the Ministry, but they have Parliamentary Secretaries who can be delegated these powers and they can come and give us views on these things. But just to come and say that the Bill must be passed is bad. Of course, we can say that there are no strikes or that the people in the country have no right to strike, but we, the Members of the Parliament or the National Assembly, can say "all right, they do

not have the power to strike, but they must have the right to negotiate on how they are going to negotiate, instead of striking." We must see various Trade Unions from various countries, because the leaders of other trade unions may give us something new from outside.

The Speaker (Mr. Slade): Order, order, as I said to Mr. Gichoya just now, at this stage we are discussing the period of publication for this Bill and we must only discuss the importance of the Bill and the urgency of it and the need to study it, not actually the merits of the Bill.

Mr. Theuri: Thank you very much, Mr. Speaker. We, the Members of the National Assembly, require ample time so that we can study this Bill properly and tell the people that they can air their views, so that the trade unions can understand what this Bill means when it comes to be passed. With these few remarks I say that the publication period of this Bill must be extended for more time so that we can study it properly.

Mr. Ngala-Abok: Mr. Speaker, Sir, I stand to support the amendment that the fourteen days be reduced to seven days to give Members of this Assembly time to discuss the aspects of this Bill. Mr. Speaker, Sir, this Bill is important and it is just as important as some of the Bills that we have been asked to pass here before, such as the Citizenship Bill, the Pensioners Bill, the Deportation Bill, the National Assembly Bill, the Citizenship Bill. These Bills were all passed hurriedly here with the rash idea that they were going to rescue us from some troubles which were forecast by the Cabinet. Now we are getting a fourth Bill which we are being asked to pass in a hurry, again one that is going to rescue us from a difficulty that the Cabinet has forecast. We cannot continue to work on imaginary troubles so that the National Assembly Members are not given time to foresee and try to assess what problems would come up if a Bill like this was not passed as quickly as possible. I would like to criticize the Minister of Labour for failing to consult with those Parliamentary Committee Members that were supposed to be well acquainted with a Bill like this. This would have helped this House to know the size of the problem exactly. If these Committee Members are not consulted and overnight the Government comes forward and asks us to pass a Bill—there has been talk of an industrial court for years and years and years. This is not a new situation. The fact that it was a part of the Tripartite Agreement does not mean that we have not heard this talk of an industrial court being instituted before. Therefore, we need to judge

[Mr. Ngala-Abok] This and to check exactly how much trouble we could get into if we established a thing like this. We must be firm with the trade union leaders also because some of the trade union leaders, as soon as this Tripartite Agreement was signed, refuted it and said that they were still going to make their stand, and I have heard people say that if this Bill is not passed as quickly as possible, then we will have the danger of strikes. Are we trying to accommodate these people, to entertain these peoples' ruthless and ill-judged actions, by merely passing the Bill so that we can ask them not to go on strike because we have passed a Bill to give them a solution? The trade unions must know that they are under the National Assembly and they are under the Government and they must be dealt with firmly. We cannot pass a Bill as quickly as this; we already have the machinery in the country to handle all the disputes and there is an Industrial Charter. The Government used a lot of money when this Committee was working on this Industrial Charter until it was signed, and the trade unions must observe it.

We also have this Tripartite Agreement which says that there will be no strikes for one year, and if there is going to be any nonsense with the trade unions trying to create problems and troubles in this field, when we already have enough troubles in the country, then we must be firm with them. Therefore, we cannot pass this Bill merely to ask the trade unions to behave well. If they do not behave well, we will detain them. We have to study this Bill and study it properly. The Government, before asking this National Assembly to pass a Bill like this, must get together all the machinery. The Minister for Home Affairs has told us that consultation took place between the Government, the employers and the trade unions, but he did not say that any Members of the House were consulted. He did not say this. If someone holds a meeting to discuss something, and then he turns round and dictates to you that you agree on, everything decided at the meeting, is that consultation? If that is the interpretation as far as the word consultation is concerned, then it is not my interpretation.

On this question of employment, there have been Press statements, from time to time, that people have already been employed in the City Council. This has not been refuted; it has not been said that unless this Bill is passed, employment cannot take place. We would like the Parliamentary Secretary to tell us whether people have not been employed since registration started and whether all the people who have registered are still waiting for employment to take place

after the Bill has been passed. This would go a long way to allay our uncertainties and to let us know the genuineness of passing this Bill as quickly as we are being asked to.

Now, Mr. Speaker, with these few remarks I wish to state emphatically that the number of days must be extended, and I will today give my vote to the Opposition. I beg to support the amendment.

The Speaker (Mr. Slade): Order, order, if any hon. Member feels disposed now to move the closure of this amendment, I would no longer say that this would be premature.

The Parliamentary Secretary for Health and Housing (Mr. Aringwos-Kocheh): On a point of order, Mr. Speaker, under Standing Order No. 70, I move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): It is only closure of the amendment. He can only reply when we have disposed of all the amendments actually, at this stage.

(Question that the question of the first part of the amendment be now put and carried)

DIVISION

(Question of the first part of the amendment that the word proposed to be left out be left out and the House divided)

(The question was negatived by 42 votes to 11)

(AYES: Messrs. Alexander, Babu, Masinde, Muruli, Mwamzandi, Mwatsama, Ngala, Olotipiti, Omar, Pandya, Shikuku, Soi and Tura)

(NOES: Messrs. Achieng-Oueko, Agar, Anyeni, Bala, Balala, Chanan Singh, De Souza, Ekiela, Gaciatta, Gatuguta, Gichuru, Godana, G. Godia, Jahazi, Jamal, Kali, Kamau, Kariuki, G.G. Kariuki, J.M., Kerre, Khasakhala, Kiamba, Kibuga, Komora, Lorema, Makokha, Muli, Mulama, Murumbi, Mwanjumba, Ngei, Njira, Nyamweya, Obok, Odera-Jowi, Odera-Sar, Odinga, Osogo, Theuri, Dr. Waiyaki, Wamuthenga and Warithi.)

(Question of the original Motion again proposed)

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, it is most unfortunate that the Leader of the Opposition, twisted my argument and then confused his own side to the extent of putting a break on the whole procedure. I would like to inform the House that our Ministry has a certain procedure which we always abide with, namely, that if there is anything affecting labour, if we want to

[The Parliamentary Secretary for Labour and Social Services]

present any Bill, or to change anything that affects labour, these things are, first of all, discussed fully at the Labour Advisory Board. Mr. Speaker, Sir, the Bill which I introduced in the House this morning, was fully discussed at the Labour Advisory Board, and was agreed to both by the Kenya Federation of Employers and the Kenya Federation of Labour, and they all agreed that it was a necessary law that should be introduced to regulate industrial relations in this country.

One of the hon. Members said that this Bill was handed over to Members only yesterday evening, but this is wrong. If Members do not visit their boxes, it is not the fault of the Government. I did not say that this Bill was designed to give jobs. What I said was this: that in order to regulate industrial relations during this period when there will be no strikes, we need certain procedures in order to process disputes. Mr. Speaker, Sir, I said that in this Bill, we intend to introduce an industrial court which will be used as part of the machinery for processing disputes, especially during the year when there will be a freeze on strikes. This was twisted by the Leader of the Opposition. He said that he thought that during this period there would be fewer disputes. This is fantastic, disputes will be there whether you like it or not; differences arise between employers and employees whether you like it or not. What we have agreed on, during the one-year period, is that no strike action will be resorted to whatever the nature of the dispute. However, the question of processing disputes will be there, and this is why we need additional machinery to enable us to deal with disputes most effectively. This is what this Bill is designed to do. Some Members suspect that this Bill has ulterior motives, but this is their own suspicion, and not ours. If we had ulterior motives, we should not have taken this Bill to the Labour Advisory Board to be discussed fully by representatives of the workers and representatives of the employers, and I am sure the Trade Union leaders and the officials of the Kenya Federation of Employers know best what they are looking for in the field of industrial relations. At least, I am sure, they know better than the Leader of the Opposition. Mr. Speaker, Sir, it is clear that the Leader of the Opposition has something in his hat and will still oppose the progress of this Bill.

Mr. Shikuku: Mr. Speaker, Sir, on a point of order, I seek your guidance on the allegation that the Leader of the Opposition has brought something in his hat.

The Speaker (Mr. Slade): Order, order, Proceed, Mr. Odera-Jowi.

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, I am sure the Leader of the Opposition at least has some hair in his hat.

Sir, I was going to say that since the Leader of the Opposition is already leading a fight against the passing of this Bill, I will not proceed.

The Speaker (Mr. Slade): Order, order. The Leader of the Opposition is doing nothing of the sort. He is merely arguing against the time of the introduction of this Bill.

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): I withdraw that, Mr. Speaker. I know my business and I wanted to point out that in view of this, I will not ask the leave of the House to proceed with the Second Reading today.

(The question was put and carried)

BILL

First Reading

THE TRADE DISPUTES BILL.

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow)

The Speaker (Mr. Slade): Mr. Odera-Jowi, I understand that you do not now wish to ask the leave of the House to proceed with Orders 8 and 9.

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Yes, Sir.

The Speaker (Mr. Slade): Is it your intention that the Second Reading will come on Tuesday, then?

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Yes, Sir.

The Speaker (Mr. Slade): Then there will not be any Motion for the Adjournment of the House today.

MOTION

NATIONAL FUND: COMMUNITY SELF-HELP

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, this is not a controversial Motion.

(The Speaker (Mr. Slade) left the Chair)
(The Deputy Speaker (Mr. De Souza) took the Chair)

[The Parliamentary Secretary for Labour and Social Services]

Mr. Deputy Speaker, Sir, I beg to move:—

THAT this House urges every Member to lose no opportunity of impressing upon his constituents the importance of the Kenya National Fund, and encouraging contributions to that Fund with special reference to its object of assisting community self-help schemes.

Mr. Deputy Speaker, Sir, I think that every Member in this House remembers when the Prime Minister gave leave for the formation of the Kenya National Fund. I am sure that every Member knows that already many contributions have been made to this Fund. Sir, Kenya is an independent country and we Kenyans must realize that, if we want to emerge as a strong nation, we must rely on ourselves more and more. We must be prepared to lift ourselves up by our own bootstraps. Sir, the Kenya National Fund is designed to teach us and to give us the opportunity of making contributions towards a fund, a sort of saving, which will help the Kenya people not only to save but will give them the opportunity to help themselves.

The Fund was initiated by the Prime Minister last year. The general purpose of the Fund, as I said earlier, is to afford the Kenya people the opportunity of showing their patriotism by making contributions in order to help the less fortunate citizens of Kenya to gain a better life. Sir, the Speaker of this House is one of the Trustees of the Fund, together with the Presidents of all our Regions. They are working together to promote the working of the Fund. Already £164,000 has been contributed to this Fund. A part of this money has already been given over for the erection of the National Assembly and, as the Charter of the Fund stated, we do not want to stop there. We want to go further and use the money from this Fund to pioneer self-help schemes all over the country. We have various voluntary organizations in this country which are trying their best to help in different fields. Sir, I have said already that, if we want to emerge as a strong nation, we must be prepared to work and to help ourselves. I think that one of the greatest things we can do is to generate the spirit of development from within this country. I think there has been too much of a tendency to rely on what people can give us from outside, but I think that, by and large, the people of this country should come forward and help themselves in development in all fields, such as the field of education and the field of social reconstruction and in other fields. We should try

and, do things for ourselves rather than rely on help from others. Naturally, if we get help from other people, we must welcome it, but we should not depend on this. We should depend on our own resources to start the vital development that we need. We have voluntary organizations like the Child Welfare Society, the Society for the Blind, and many others. These are our own efforts designed to give a better life to our people. I think one of the best things we can do is to try to support these voluntary organizations.

There is another aspect of self help, and I would like to speak about this, especially in reference to rural development. As many hon. Members know, there is a world of difference between the lives of our people in the rural areas and the lives of our people in the urban areas. One of the greatest tasks we are facing, is the task of developing the rural areas. In this respect, I think it would do this country a great deal of good if we could organize the rural people on the basis of voluntary contributions of work, of money and other contributions, so that they begin developing the rural areas, and helping the people in the rural areas to raise their standard of living. One of the aims of the Kenya National Fund is this: that the money should be used to help our communities to lift themselves up.

Mr. Deputy Speaker, Sir, I do not think there will be any controversy over the aim of the National Fund. The hon. Members in this House are the key leaders of this country; they were voted in because they were popular, and they still command the respect and the following of the people who voted them into this Parliament. I think one of the things they can do to help our people to develop is, not only, to provide leadership, but also to give them the inspiration, teach them the technique of self-help, and lead them in a particular way, so that they begin to do certain things in order to help themselves.

Sir, I would like to end by saying that if we all can work in the spirit of *Harumbee*—

Hon. Members: Question, question.

The Parliamentary Secretary for Labour and Social Services (Mr. Odoro-Jowi): There is no question about this. If you do not want to develop your own people, then remain exactly where you are. I do not think help will come from heaven because, in this world, it is only those people who strive after development and progress who make headway. Those who just sit back and look for mistakes and faults and complain about this or that, are the ones who are holding back the whole development of this country.

[The Parliamentary Secretary for Labour and Social Services]

Therefore, Sir, I hope every Member in this House will support the Motion. We would like every Member to impress on his voters, on his friends, and on the people with whom he is working, that we have a fund to contribute to and this fund is designed to give the Kenya people a lead in self-help. It is designed to ginger up the internal forces in this country for development if the leaders of this country could rally the masses of Kenya to oppose colonial rule, it only shows that there is still that dynamism there to be gingered up in developing the resources of this country, in developing the people of this country.

Mr. Deputy Speaker, Sir, I beg to move.

Mr. Alexander: I second this Motion, Sir. The Motion has been presented to us in a very able and inspiring manner. The Mover talked about the loyalty of the people to this country. I now want to appeal to the loyalty of the Government to the people, the other side of the picture, and urge once again upon the Government the one obvious psychological way of increasing the enthusiasm for this fund, and therefore the total amount which will come into it. That is to agree to allow donations, contributions, to this fund to be a deduction for income tax purposes. The Government can argue, on the other side, of course, that this would mean a loss of income tax, but, Sir, I am appealing on the psychological effect of this. No man, wherever he is in the world, however loyal he is to his country, and to his conscience, enjoys making donations out of taxable income.

Our target for this fund—and here, I have to declare an interest, Mr. Deputy Speaker, I am a Trustee of this fund—is some £300,000. I have no doubt whatsoever that if the Government were to agree to this tax exemption, we could expect at least £1,500,000 and more. People will give twice as much as they would give if this were an exemption for tax purposes. I do urge the Government to look at this realistically as a fiscal problem. What they will lose in tax, they will twice and thrice get back in more generous contributions from the public.

Mr. Deputy Speaker, I beg to second.

(Question proposed)

Mr. Makokha: Mr. Deputy Speaker, Sir, while supporting the Parliamentary Secretary in this, I would like to draw his attention to various facts which he might forget. I notice that Nairobi

seems to have the effect on some people of making them forget the rural areas. Ever since the days of occupation by the British in this country, our people have been brought up on dependence. In fact, the Africans in this country, some time ago, were encouraged to ask for things from the British. One could go to the Chief's *Baraza*, a District Officer or a District Commissioner would come along and ask the people, "Unataka nini kutoka kwa Serikali?" and the people would then be expected to ask for schools, roads, hospitals, dispensaries, and things like that. Therefore, Mr. Deputy Speaker, Sir, this is not an easy job. I agree that we must do our best, but it is an uphill job. In fact, we are fighting a psychological war; we have to change the thinking of our people to make them realize that now they have to provide for whatever they want.

Another difference between the rural areas and the urban areas is that naturally the towns are wealthier than the rural areas. Therefore, the Ministers, the Government, should not expect as many contributions from the rural areas as will come from the urban areas, such as Nairobi, Mombasa, and other places like that.

An hon. Member: What about Busia?

Mr. Makokha: Mr. Deputy Speaker, some Members are referring to Busia. I represent a constituency in Busia District, and I must say that, although the people of Busia will give whatever they can, it will not be as much as Mombasa will give, for example. What I would like to draw the attention of the Parliamentary Secretary to is that, whatever Busia gives, will be genuinely given. I do not want to take up much time.

An hon. Member: Sit down then.

The Deputy Speaker (Mr. De Souza): Order, order, you must not say things like that.

Mr. Makokha: Mr. Deputy Speaker, Sir, I was saying that, while I do not want to take up much time, and having drawn the attention of the Parliamentary Secretary to the obvious fact which he might forget, I now come to distribution which comes after contribution. I said that the rural areas will not produce as much as the others, but what they do produce, they give genuinely. However, when it comes to distribution, after these contributions, the rural areas will need more. Taking my own area into consideration, Sir, the people there need adult education, nursery schools here and there; and I would urge the Parliamentary Secretary, when the time comes, to see that the various rural areas such as Masai, Turkana, not excluding Busia, are not left out of the scheme.

Mr. Deputy Speaker, Sir, I support.

Mr. ole Otolithip: Mr. Deputy Speaker, I rise to support this Motion. I believe it is a very important Motion. It is well known, even from the Bible, that God helps those who help themselves. Therefore, if the Minister has introduced this Motion for us to help ourselves, I do not see anything wrong in it, and I support it fully.

However, there are two things I would like to mention to the House. One is that, although the country will appreciate this self-help scheme, the public would also like to see what the Ministers, who have such huge salaries of Sh. 7,000, have earmarked for the country. This should be stated, and the Ministers should inform the Press that they have contributed so much, so that the rest of the people will follow the example. The Ministers have set. This applies to Parliamentary Secretaries, too, and so on, to us, and the rest of the people. If they tell us in this House that they have moved a Motion and then go back to their own offices leaving us ignorant of what they have contributed, I do not think they have shown the light to the country. Consequently, while I support this Motion, I suggest that they should be the first people to show the light, so that others will follow.

The second point I want to make, Mr. Deputy Speaker, is that this scheme should be carried out on a regional basis. If I go to my constituency now, and tell the people, "Look, you must contribute, because this is a national contribution to the country", perhaps they will contribute, but they will always wonder for what that money will be used. I think the better way of organizing these contributions is, if each Region could have its own national contributions, so that the money they get in that way, could be distributed to the districts to help people accordingly. After these people have seen what the money is for, they will eventually come forward and contribute more than if they are asked to do so nationally.

An hon. Member: What about the Masa?

Mr. ole Otolithip: Yes, if it is a question of the Masa contributing, that is all right, but it should be done on a regional basis so that they know that the money is there. I say this, Mr. Deputy Speaker, because most of the people do not understand the National Fund. Therefore, I believe that if it is started from their own districts, they will know what they have done, and in a few years' time they will see the benefit of it. If we tell them to contribute it here at the centre, they will only come forward to contribute after they have seen what good can be done with the money which has already been given.

Those were the only two points I wanted to make. I think charity should start from the home. With these few words, I beg to support.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Deputy Speaker, I just wanted to make a small contribution. The Motion asks for every Member of Parliament to encourage and explain the whole purpose of the National Fund in his constituency. The Ministers are also Elected Members and, therefore, I think it is wrong to emphasize—

Mr. ole Otolithip: What is your contribution?

The Minister for Finance and Economic Planning (Mr. Gichuru): The whole question is to encourage people to contribute, and it is not only the Ministers who can set an example. Every Member of this Assembly should make a contribution. As to the size of the contribution, I do not think that is what is in dispute here. That is not what we are discussing. One should contribute as much as one can, as much as one is able to contribute. The point of the Motion is to encourage people in our own constituencies to understand fully the purpose of the Fund so that they contribute as much as possible. I think it would be a wrong notion for any Member to stand here and say that he is going to encourage people in his own constituency, because that money will be spent in that particular constituency. Then the whole object of the Fund will be lost?

Mr. ole Otolithip: How?

The Minister for Finance and Economic Planning (Mr. Gichuru): Like the Masai. You say that the Masai should be told that the money will come back to them, but that is nonsense. I think the second part of this Motion, which deals with community self-help, is also very important. Already, in various districts and county councils, the people are contributing, very much towards nursery schools, primary schools, the maintenance of the roads, and all this should be encouraged. Unless we help ourselves in this respect, no amount of money contributed towards the Fund will go anywhere to meet all the needs we have in this land.

I definitely feel that what we are calling for is a certain amount of sacrifice. If a person is going to say, "I will contribute Sh. 10 and therefore I will be exempted from paying tax on it," I do not think that is a sacrifice. The little man who goes to work on the roads and on these self-help projects does not get any exemption from anything; he gets nothing. If the simplest man, the poorest in many cases, can make that contribution

[The Minister for Finance and Economic Planning] which is a sacrifice, surely a man who has a big business—

An hon. Member: Like you.

The Minister for Finance and Economic Planning (Mr. Gichuru): Like you! He should not call for privileges; he, too, should make a sacrifice as a sign of his goodwill towards his own country. Therefore, I do not think the question of rebate really comes into it. It is all self-help and a little sacrifice. This is the spirit of Harambee and, it is in this spirit that this Motion has been put forward.

Mr. Deputy Speaker, I beg to support.

Mr. Ngala: Mr. Speaker, I would like to support this Motion, because it is one of the few sensible Motions which the Government has brought forward.

I would like to start with the remarks made by the hon. Minister who has just sat down. I think the Minister himself is not the right person to talk with regard to these matters of community development and self-help. I think he should reconsider the point which has been put forward by the hon. Mr. Alexander concerning rebates for those people who are prepared to give voluntarily to assist the whole nation. The Minister was talking about sacrifices, but people do make sacrifices under certain sensible persuasions, and I feel we must encourage those people whom we want to make sacrifices. The idea here is that if you exempt them from paying income tax on certain revenue, then the owner of the revenue will be inclined to give more so that the nation may be developed and may grow. This is a very sound principle, and the Minister for Finance is fully aware that the development of the nation, as a whole, contributes to the finance, the revenue of the whole country, in the long run. Therefore, he should be fully aware of the usefulness of this idea which he has carelessly turned down. I would like him to reconsider it.

The second point, Sir, is that the Minister feels that contributions should come from the poor people, but that the Ministers should be exempted. I think this is a very funny approach to the idea—

The Deputy Speaker (Mr. De Souza): Mr. Ngala, that is not what the Minister said. He did not say that contributions should come from the poor and that the Ministers should be exempt. He said that every person should make whatever contributions they were able to make.

Mr. Ngala: Thank you, Mr. Deputy Speaker. Sir, for informing me as to what the Minister said, but the point is that if the Ministers made a good contribution on the grounds of their basic income, and they made that quite clear to their constituents, then we should encourage the people and the poor ones, like ourselves on this side—

(Interruptions)

Mr. Deputy Speaker, it is no use the Minister for Finance shouting when he has many numerous petrol stations all over Kenya.

The Minister for Finance and Economic Planning (Mr. Gichuru): On a point of order, could he substantiate, because I can honestly tell this House that I do not own one.

Mr. Ngala: If he does not own one, I withdraw.

Mr. Deputy Speaker, Sir, this organization is a very good one, and it can help our country.

I would like to make it quite clear though, that what is holding it back, is that, in collecting this money, the Government should have proper organization so that the people in the townships and the rural areas know that they are expected to give basic help. At the moment, people all over the country have taken it that it is the rich companies, the rich firms, which are to make the contributions. The Government, and also the information services and the Kenya Broadcasting Corporation, have failed to make use of any propaganda in the country to make the people aware of the fact that they are supposed to contribute to this fund.

It is not sufficient to ask Members to go back to the Constituencies and tell the people of that. Government, itself, should carry on more propaganda over the Kenya Broadcasting Corporation services and over the information services, and it should make it quite clear and put it across to the people that we must help ourselves by contributions from whatever wealth we have ourselves.

The Kenya Broadcasting Corporation is a waste of time when it is used just as a standard propaganda instrument, it has a useful job which is not being done. It is no use this being used as a Ministers' machine only to spread propaganda for them. This work should be planned properly by the Government and the Government should not ask us to go and do this when it is sitting back just working on Kanu propaganda.

Therefore, Sir, my first point, is that the Government should carry on a lot of propaganda and make the citizens of this country know that they are expected to contribute to this fund.

An hon. Member: You should do this.

Mr. Ngala: I am not the Government.

My second point, Sir, is this: What has the Government itself contributed? I mean, the Government itself should have a certain fund, a certain big lump sum, set aside towards the fund that has been mentioned by the hon. Member, Mr. Alexander. I understand that the total amount is hoped to be £300,000. We want a good example from the Government itself and we want it to set aside a little sum, very little, towards that contribution so that the people can also see that the Government is aware of this necessity.

I would like to get some undertaking from the junior Minister who has moved this Motion that this fund will be actually administered by independent people. The Trustees should be given ample authority to administer this fund so that the money is not distributed according to the favouritism that is so reflected on the Front Bench of the Government side. I would like this assurance to be given in no uncertain terms, because it will help us to be interested in the fund. Some of us, in our own different areas, if we save money and are told that so much money should come out, it will come out, but we must be convinced first that it will be fairly used. Therefore, we would very much like to get this assurance so that our people can be sure that there is an independent body which will administer the funds.

An hon. Member: You are a Trustee.

Mr. Ngala: I am, Mr. Deputy Speaker, a Trustee, but you never know in Kenya what will happen next.

Another thing which is a drawback is the asking for collections in the different areas. There is a tendency which I would like the Government to correct; this is the tendency to collect this money through the sale of certain things. Some of these badges are an insult in some areas, because these badges should not be sold in these areas, and the Government should make sure that it does not insult the people from whom it wants money by selling such badges. This will remove the anxiety of the people to contribute to the National Fund. I hope the Minister will note this seriously and realize that it is not just a subject to be laughed at; if it is a question of selling these badges, then they should be sold in the appropriate regions and the appropriate areas.

Another point I have, Mr. Deputy Speaker, is that the use of this money is directed by the donors. I think the Government should negotiate carefully and tactfully with the donors so that

some of the donations are directed to matters which are deemed to be of benefit to the different needs of the nation and this should be arranged by the Trustees. If every donor is allowed to remark what he would like his money to be spent on, it will be very difficult. For example, in the Coast Region we have the need of a building for handicapped children and we need a great deal of money for this scheme. So far, very few donors have been attracted by this need although it would be of great use to the country. Therefore, I would ask the Minister to make sure that careful negotiations are held with the donors so that there is some leniency in the way they direct the use of the money they donate.

In some areas, when the people go out collecting this money in the spirit of *Harambee*, they are wasting their time. Some of the collectors go around singing *Harambee* in these areas; and, therefore, they do not get money because they are in the wrong spirit. I suggest that these slogans and so on are checked, so that in places where *Majimbo* is the word, we can collect more money and boost the spirit of this Fund. These slogans should be used for this purpose.

Another point I have, Mr. Deputy Speaker, is that, whenever there is a collection of this kind in Kenya, some of the thugs take advantage of it and they make money out of it. My point is that this collection should not be left to such irresponsible people; they should not be allowed to collect money from the public under the excuse that they are collecting it for the National Fund. Proper, responsible people would feel for the nation and not for their stomachs only, and for petty things. These sensible people should be responsible for collecting the money, so that the money is collected by the right sort of people. I saw during the independence celebrations all sorts of collectors and some of them had no interests either for the celebration of independence or for anything else, and only had personal interests, and I think there was some abuse in this.

Mr. Deputy Speaker, Sir, I would like to encourage the Minister by making some contribution and I think the Government should show the country that they, the leaders of the country, who are salary-earning, can give a good example. Then we shall all follow suit.

Therefore, Mr. Deputy Speaker, I beg to support.

Mr. Ngai: Mr. Deputy Speaker, I rise to support this very important Motion which has been brought by the Government for the benefit of

(The Debate continues)

[Mr. Ngai].

millions of souls in Kenya. Before I start my little contributory speech to the House, I would like to say one or two things.

An hon. Member: Have you contributed?

Mr. Ngai: I have already contributed, my friend.

It is always the intention of a defeated person—when he is defeated from the national point of view—to go down to the regions, and when he finds that there is no place for him in the regions, he goes right down to the districts, and from the districts he moves further to a place called Kuinga, and from there to the homestead, and all the way he is trying to get support from the public. The thing is we have to realize what is the truth and also accept the challenging circumstances which are prevailing. He has a very well-known motive. We know that the previous hon. Member who has just spoken called his baby the other day in the name of "region". I am thinking that this is a substitute and shows that the man has come from the top and he is now in the homestead. Therefore, I would also like the hon. Members in the Opposition to change their minds about criticizing for the sake of criticizing.

I would like to say one very important thing. At the moment, the Government of Kenya, which is suffering to help come into being, is being destroyed by cheap and muddy politicians who do not realize the fact and continue to say this and that.

Mr. Matano: On a point of order, is the hon. Member in line with the Motion?

The Deputy Speaker (Mr. De Souza): Mr. Ngai, I did want to draw your attention to the fact that I think you are going too far away from the Motion.

Mr. Ngai: We have been told that the Government is not supporting these schemes, that the Government is not doing anything at all, but I want to make it clear to the House, Mr. Deputy Speaker, that this is not the way to help the country. We must realize that the Prime Minister, Mr. Jomo Kenyatta, cannot mint money. The Prime Minister and the Government must be given time to plan and to put into being the plans that can help the people of Kenya. I am saying this and I want to be a little bit African. Even in this African House we have some people who are not of African origin.

[The Deputy Speaker (Mr. De Souza) left the Chair.]

[The Speaker (Mr. Slade) took the Chair.]

I would like to say this, if the hon. Members can only be quiet and listen. It is always accepted that when a woman is pregnant, she does not give birth the very day that she becomes pregnant. This very Government has only been here for three months and yet it is expected to give birth to a baby which is walking. That would be abortion. I must say that we are not prepared to see a Government failing and, therefore, the Members of this House must really support this Government—whether on the Opposition or on the Government side—when such things as national schemes and contributions towards the National Fund come up. We must have contributions to the National Fund from the communities and the constituencies which the hon. Members represent.

I am speaking here as a practical man because, at the moment, I can proudly stand up in the House and say I have a fifty-bed hospital which has been built with less than Sh. 5,000, because we have been doing the stonework and carrying everything with wheelbarrows ourselves. However, the Members here expect to have the progress in the country by merely putting on suits and ties of different colours and talking. A country cannot, at any time, be developed in this way.

An hon. Member: You have a Mercedes.

Mr. Ngai: I have a Mercedes, but it comes from the people and, if you are jealous of it, that is too bad.

Therefore, Mr. Speaker, what I am saying is this: you must be prepared on the Opposition to do something; to carry a wheelbarrow and to contribute something other than shouting in the House. I would like us all to support the Government and the Prime Minister in the effort to build Kenya. A very good example has been set by the Tanganyika Government. I was in Tanganyika the other day and I saw the Ministers of the Government pushing wheelbarrows. How many of you on the Opposition can do that? You can only make public speeches and cannot do anything else.

The Speaker (Mr. Slade): Will you address the Chair, Mr. Ngai?

Mr. Ngai: I am sorry, Mr. Speaker.

Therefore, I am saying that this is a very important thing, Mr. Speaker. I am actually very touched when we go out and tell the African people of Kenya, who are jobless and who are trying to get jobs, what this Government is doing. This Government is free. You criticize the Government and yet you do not really make any

[Mr. Ngej]

constructive proposals. The Prime Minister cannot manufacture money and schools and hospitals unless you co-operate. You can co-operate by appealing to your people to contribute to the Kenya National Fund so that we can have this self-help put into being.

I would like to say, Mr. Speaker, that I am fully in support of community self-help schemes. We want the energetic youths to be put on to these schemes; the Government should organize a scheme and then give one to each constituency Member. We should have a cup for the best scheme so that we can see to which constituency it goes. I can proudly say that that cup will go to my constituency.

Mr. Speaker, I am actually very concerned and I think the Government should use the Kenya Broadcasting Corporation to put spirit into the people of Kenya for these self-help schemes. There are a lot of people who are thinking so many things and when they have nothing to do they will think of violence, robbery, stock-taking and all sorts of things. If we can initiate self-help schemes by contributing to the National Fund, then we shall be doing a great service to this great country.

Therefore, I am saying, Mr. Speaker, that I am supporting this Motion as the only way that the Prime Minister can get a little time to get down to more important work than listening to utterances which are mainly based on tribal feelings and selfishness. Before I sit, I would like to say that I support the Motion.

Mr. Pandya: Mr. Speaker, Sir, I want to be very brief in this debate. I would like to say that everybody agrees that we are all, from both sides of the House, in support of the Motion. That is why it is no use hon. Members standing here and trying to accuse the Opposition of saying in this House that we are opposed to this Motion. I have seen the sense of this House and I feel we all support this Motion because this is one of the few good things the Government has done to launch this National Fund. I am sure that I am speaking for all the Members on this side of the House when I say that we want to show our support.

Let us examine the exact words of this Motion. It says "lose no opportunity of impressing upon his constituents . . ." now, do the Ministers not realize that they are constituency Members, most of them? The best way they can impress their constituents is by giving substantial contributions to this great Kenya National Fund. This is why, Mr. Speaker, hon. Members should set an example.

I am sure the people are looking forward to the announcement from the Ministers and others in public life that they have contributed generously to the best of their ability to this National Fund. That is all that we are asking for. It is no use saying we are making every effort, and yet when the people ask, "What have the Members of the National Assembly—which includes the Ministers—contributed?" we have no answer for them.

I support, Mr. Speaker, what has been said about the fact that not enough work has been done to let the people know, in all the constituencies all over the country, that this National Fund is in existence and that people should contribute to it generously. Instead of wasting the time of our national broadcasting service on other things which are not important from the national point of view, we should confine ourselves to promoting this Fund properly.

Mr. Speaker, Sir, there is another point which I wish to support and that is with regard to the question which was raised by my hon. friend, the Specially Elected Member, Mr. Alexander, concerning exemption from income tax. It is no use the Minister for Finance saying that we must make sacrifices. Of course we want to make sacrifices; after all, they are for a national effort. However, Sir, the point is this: if we had accepted his principle, we would have got more contributions from these large commercial and industrial enterprises than has been the case so far. Those firms which have contributed £10,000 would probably have been willing to contribute £20,000. Therefore, it would not have been a loss to the national revenue because we would have had greater contributions from these people who are the backbone of the economy of this country. They would have contributed to the national effort and not only to the revenue. I would like the Minister for Finance to consider this point again, to look into it and see whether we cannot boost the National Fund by such measures so that there is an incentive, particularly to those firms which have not contributed yet to come forward and contribute, and identify themselves with the great national effort.

Mr. Speaker, Sir, I do not want anybody to be in doubt in this House that we, in the Opposition, are fully in support of this Motion, but we reserve the right to advise the Government on some of the things we feel should be done, or ought to be done, so that there is a greater effort to see that we reach our target within the least possible time.

With these few words, Mr. Speaker, Sir, I beg to support.

Mr. Mutano: Mr. Speaker, Sir, I think the Motion is quite clear and, as the hon. Member on my side has just said, we are not arguing and we are not opposing the Motion at all, we are supporting the Motion.

There is only one point which I would like to put forward, Sir. I would like to tell the Government of this moment that it seems to be campaigning and is not bringing about a feeling of consciousness of a nation. We were a people who were ruled over, but now we are independent, but we must now be made to feel that we are a nation. A feeling of being a nation must be roused in order that people may take part in the activities and development of the country. What depresses me, Sir, is that, every time we hear of Ministers going round the country, we hear that instead of rousing a national feeling, they continue to campaign for their party. This is most depressing, because the time for campaigning is over; this is a time for building the nation and it is time that all of us began to feel that we are all one. We should all contribute towards the nation. However, our Ministers are going out and they are campaigning for their party, they talk in terms of their party, and our people are beginning to wonder whether this is a national Government or whether it is a party Government. How can anybody contribute money? This is a national Government in the way that it is a party Government, because it is made from a party which is called a national party. We do not want a national party Government, we want a Kenya Government.

Therefore, in order to make the citizens of this country contribute towards a worthwhile cause like this one, we must feel that we are one, that we are building a nation and not only building up individuals. At the moment, people tend to feel that; because they are Ministers and because they are on the Government side, everybody should bow their heads to them. Instead of building a nation, the public tends to feel that it is building only people.

Mr. Speaker, Sir, this is a very good cause. We, as national Members who represent the people, must give a good example. This has been said before and I need not repeat it. Unless we give a good example by doing and not merely by talking, we will get nowhere.

Mr. Speaker, I would not like to waste the time of the House. I feel that many things on this subject have been said openly; many Members have expressed their feelings openly and I would not like to say much more on the subject. However, I must say I hate to hear Members praising themselves, saying they have done this

and that the other in their respective constituencies; that they have built hospitals containing fifty beds, or have done something else. Well, I think they should continue doing more and more of such good work, but they should not come here and blow their own trumpets. We are not interested in that. We want people to realize that we are building a nation. Whatever we do, we may think it is a lot, but really that is nothing compared to what is still to be done. How many people are suffering from hunger, disease and ignorance? Therefore, we must all try to feel that we are helping to build one nation; we should not think that we are merely boosting up one or two Ministers, enabling them to move around in Mercedes cars. These Ministers have, perhaps, forgotten that these Mercedes cars have been given to them by the people. Why should they not sell these big, posh cars and give the money to this worthwhile cause? Why not contribute all their money to the National Fund? If the Ministers do that, then we shall know that they really have the interests of the country at heart. This will be proof that our hon. Members are striving to help the nation by contributing to a worthy cause.

With these few words, Mr. Speaker, I beg to support.

Mr. Omweri: Mr. Speaker, Sir, first of all I would like to congratulate the Mover for the way he has expressed himself in putting forward this Motion and also for the idea behind it.

Many hon. Members have spoken and, from what they have said, I feel they are confused and do not really understand the purpose of the Motion. They do not realize that this Motion deals with the national fund. There have been suggestions from the other side when hon. Members have expressed the thought that, if there was an introduction of Regional Funds, the new idea would have brought in more money. We, on this side, would like to assure Members on the opposite side that, when we are talking nationally, we mean the National Fund of Kenya. The Motion asks every Member in this House to go back and explain to his own constituency that these funds are needed for the wellbeing of the whole nation, not only for the wellbeing of a particular area. We are trying to introduce the idea of independence to our own people and the people should be made to realize that we are not any longer dependent on any person who will give us a grant-in-aid or some sort of loan. We must learn to stand on our own feet and to do things for ourselves. We cannot always rely on the assistance of others.

[Mr. Omweri]

Mr. Speaker, there is one point on which I seek clarification from the Parliamentary Secretary when he replies. This Motion is very similar to the one which was brought in this House by the Prime Minister not so very long ago. I do not know whether the Motion which was moved by the Prime Minister has failed to impress the public and, therefore, this Motion has now been brought to give greater effect to the Prime Minister's Motion and achieve better results. Hon. Members, who were present in the House when the Prime Minister moved his Motion, heard what he said and they went back to their constituencies to tell their people what the National Fund meant.

I also understand that there is a Board of Trustees and Presidents of the Regions are Members of this Board. I also understand that the Presidents are trying to explain to their Regions what the National Fund is there for. It is not only that, but the people have also been told that if they wish to contribute, they should send their contributions to a certain address.

Therefore, Mr. Speaker, taking into consideration the last two points I have mentioned, I feel that this Motion is merely a repetition of what has already been done. That is why I would like the Parliamentary Secretary to make the position clear to us as to why this Motion has now been brought before us and let us know whether the previous Motion, moved by the Prime Minister, has failed to achieve the necessary effect.

The Motion makes mention of self-help schemes. These schemes will be of great value to Kenya as a whole and I think the Kenya Government should do all it can to make them flourish. There is no point in organizing these self-help schemes and, when they come up against an obstacle and require the Government's assistance, this assistance is not forthcoming, and the schemes collapse.

There are examples of where self-help schemes are doing well and representatives of the Minister for Labour know of these schemes. They have been to the places where these schemes are run successfully. However, on some occasions, the promises made by the Ministry, are not fulfilled and the self-help schemes are discouraged from doing much more. We would, therefore, ask the Government to give all assistance possible to push these existing self-help schemes so that they go ahead and spread throughout the country. Our people do realize that they are now independent and must do all they can for themselves and their own progress. They must rely on their ability to

put up social and cultural centres such as schools, nurseries, hospitals, clubs, et cetera. They also know that to better their transport, they must have better roads and they must build good roads.

If the people in a certain area wish to build a road to facilitate their means of transport, or they would like to build a bridge and they need two culverts for this purpose, I think the Government, when requested to do so, should give them the required number of culverts to enable them to build this bridge. If the Government refuses assistance in this form, the people will feel that Government is discouraging the whole project. If this National Fund is going to be used to help people who help themselves in the self-help schemes, I think the Government should be ready to meet the various small requests. If Government is ready to assist the individual self-help groups, these groups will endeavour to make the self-help schemes grow bigger and spread throughout the country, so that more and more people will benefit from them and Kenya will be built to look more of a civilised place than it is at the moment. If Government refuses help when required, then I am sure, there is going to be delay in the progress of Kenya, and there may not be the spirit of *Kujenga* Kenya as intended by the word *Harambee*.

Hon. Members, who have spoken before me, have said something about contribution and distribution. If there is no equal distribution of the National Fund, this will contribute to the delay in progress of rural areas. Here is the reason why. If the people in a certain rural area are asked to give generously to the National Fund, but when they ask to be given financial help, it is refused, they will not give so generously in the future. This will hamper advancement in that particular rural area. This House must assure the rural areas that, if they give generously to the National Fund, they will, in their turn, receive financial aid when they require it. The Government should not look around Nairobi, or just outside Nairobi and say that Kiambu or Kariokor are close to Nairobi and for that reason these two places will receive attention first. This sort of attitude will be detrimental to the welfare of the country, and the Government must not adopt this point of view. If the Government only gives financial assistance to those places which are just outside Nairobi, then, I am sure, that those Kenya citizens who are wholeheartedly behind this idea of a National Fund, and have supported it since the Prime Minister first introduced the idea in Parliament, will not do their utmost to contribute generously to the fund any longer.

[Mr. Omweri]

I am sure nobody would like to oppose the present Motion, but at the same time, I am sure that nobody would hesitate in doing so if the idea behind this fund is only to develop Nairobi and to forget the rural areas and districts where people are toiling day and night to build roads and schools. They also expect financial contributions in order to help them carry on the good work they have started. If this Motion is to urge people to contribute to the Kenya National Fund, then we must realize that Kenya extends beyond the borders of Nairobi, where the Government has its head offices, and we must give financial aid to the places outside Nairobi.

This morning, the Parliamentary Secretary was asked a question about youth services. The Minister's paper said that the youth services were going to help the self-help schemes and the community development organization. If the Ministry is trying to help Kenya to move forward, this service should be introduced immediately. There is no need to delay it much longer. Some time ago, the Minister said he would announce shortly who was going to be Director of the Services. He has taken a whole month to come to a decision and yet nothing has been said to us. We do not know whether he has failed to secure the right man or whether he is importing this man from England. We would like some concrete answer, we would like something to be done and done quickly. What is the use of telling us to wait? What are we to wait for? Government says it is going to take steps to see that something is done but, from what we know, no steps have been taken and nothing is done. When this Motion has been passed, we would like to see Government take immediate action, not merely to sit back and say, "We put forward a Motion, it has been accepted

by the House and passed and now we can relax. We can take necessary action next year, if required". That is not right, because people all over Kenya are waiting to see action taken because this was promised a long time ago. The Parliamentary Secretary gave no indication this morning when these schemes were to be started and we would like to know.

The Speaker (Mr. Slade): Mr. Omweri, we are talking of the National Fund now, and you must keep to the subject.

Mr. Omweri: Mr. Speaker, this Motion says that self-help schemes should be promoted in order to encourage people to contribute more generously to this National Fund of Kenya. In this connection, I would like to suggest that the youth services would be of great assistance in collecting money for the National Fund, because they could go round the country and preach about the good things that will be done with the money that will flow into this National Fund of Kenya. By referring to this, I do not think I went very much beyond the scope of the Motion.

I hope the Parliamentary Secretary has noted down my points and will give me clarification on those points when he replies. Personally, I do not oppose the Motion, but wholeheartedly support it, because it is going to help build the new Kenya.

ADJOURNMENT

The Speaker (Mr. Slade): It is time now for interruption of business and the House is therefore adjourned until Tuesday, 17th March 1964, at 2.30 p.m.

The House rose at thirty minutes past twelve o'clock.

Tuesday, 17th March 1964

The House met at thirty minutes past Two o'clock.

[The Speaker (Mr. Slade) in the Chair]

PAPERS LAID

The following Papers were laid on the Table:—
The Paymaster-General (Amendment) Regulations, 1964.

(By the Minister for Justice and Constitutional Affairs (Mr. Mboya) on behalf of the Minister for Finance and Economic Planning (Mr. Gichuru))

Maize Marketing Board Annual Report for the Financial Year ended 31st July 1963.

(By the Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. McKenzie))

NOTICES OF MOTIONS

EXTENSION OF EMERGENCY TO ISIOLO DISTRICT

Mr. Bonaya: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House urges the Government to take steps to extend the State of Emergency to the Isiolo District due to the increasing number of *Shifty* supporters to be found in the Eastern Region.

PRIVILEGES, NATIONAL ASSEMBLY MEMBERS

Mr. Muti: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House urges the Government, in pursuance of the provisions of the Constitution, to introduce legislation to confer on the National Assembly, and Members thereof, the same rights, privileges and immunities as are enjoyed by the British House of Commons and Members thereof.

PRIME MINISTER'S STATUE

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House warmly welcomes arrangements made by the Government for the construction of the statue of the Father of our Nation, Jomo Kenyatta, and further welcomes the suggestion made for the statue to stand in front of Parliament Buildings.

EAST AFRICAN FEDERATION: ACCELERATION OF

Mr. Shikuku: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in view of the fact that all the people in Kenya were promised East African Federation immediately after Kenya's independence, this House calls upon the Government to accelerate the machinery for this purpose.

ORAL ANSWERS TO QUESTIONS

Question No. 110

LOANS TO AFRICAN TRADERS, EMBU PEOPLE

Mr. Mbogoh asked the Minister for Commerce and Industry:—

- (i) How much money was available for loans to traders this year?
- (ii) How many Embu people had been granted loans by the Ministry since the beginning of last year?
- (iii) How many of these had failed to repay the loans?

The Minister for Pan African Affairs (Mr. Koinange): Mr. Speaker, Sir, I beg to reply on behalf of my friend, the Minister for Commerce and Industry:—

- (i) (a) On 1st January 1964 the total amount available for loans to traders throughout Kenya was Sh. 1,381,387/82. This amount varies as previous recipients repay their instalments and further loans are made.
- (b) The total amount available in Embu District on 1st January 1964 was Sh. 28,526/89. However, a part of this amount is to be used to establish a new Loans Board in the Kerinyagga District.

Mr. Mbogoh: Mr. Speaker, on a point of order, I was not talking about Kirinyagga, I was talking about Embu.

The Speaker (Mr. Slade): That is not a point of order, that is trying to explain what your question meant. Hon. Members must pay attention to what I said about points of order.

The Minister for State for Pan African Affairs (Mr. Koinange): Since January 1963, the old Embu Joint Loans Board has issued five loans totalling Sh. 25,000.

All of these five new loans are being repaid on the dates due.

Mr. Mbogoh: Would the Minister tell us exactly what money is available for Embu and not Kirinyagga, Mr. Speaker?

The Minister for State for Pan African Affairs (Mr. Koinange): I have just said that about Sh. 25,000 are due.

Mr. Ngala-Abok: Mr. Speaker, would the Minister give us a district breakdown of these loans?

The Minister for State for Pan African Affairs (Mr. Koinange): I have a list here, Mr. Speaker, and I will be very happy to have it circulated.

The Speaker (Mr. Slade): I think that would be better.

Mr. Gichoya: Would the Minister agree that the picture he has given to us is the old Embu which includes Kirinyagga and not the new Embu?

The Minister for State for Pan African Affairs (Mr. Koinange): No, Sir.

Question No. 105

PRESS CENSORSHIP

Mr. Mbogoh asked the Minister for Information, Broadcasting and Tourism:—

- (a) If the Minister would consider Press Censorship in view of some of the damaging statements made by local and overseas newspapers recently?
- (b) If he would also consider banning such Kenya newspapers which circulate damaging reports?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Speaker, Sir, I beg to reply. Both the Prime Minister and I have said on a number of occasions just recently that the Kenya Government does not wish to impose Press censorship, but this does not mean that we do not look at the news that is transmitted by the Kenya News Agency. I feel that the situation at present does not warrant action. My Ministry believes in a positive approach and will counteract damaging statements by ensuring that the true position is made known.

In answer to the second part of the question, the Government believes in helping to create a healthy, free, local Press and is not considering banning newspapers, because there has been a distinct change in the policy of some of the newspapers for the better. My Ministry naturally hopes that even the old die-hards have changed and we will have to give them time. We also hope that they will co-operate fully with the Government and play a constructive role in helping to build a new strong Kenya nation.

Mr. Mbogoh: Mr. Speaker, does the Minister agree with me when I say that damage has been done economically by these papers? And does he not agree with me when I say that action must be taken?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Speaker, Sir, I do not agree at all.

Mr. Balala: Mr. Speaker, what does the Ministry propose to do against any paper which attempts to do any damage to the security of Kenya?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Speaker, Sir, the law will take its own course.

Mr. Makokha: Mr. Speaker, Sir, arising from one of the Minister's answers, when he said that some of the papers have changed for the better in favour of the Government, does that mean they are no longer hostile to the Government?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Speaker, I did not say in favour of the Government, I said in favour of peace and goodwill in this country.

Mr. Ngala: Arising from one of the Minister's replies, does he agree with me, that the papers are doing useful jobs in giving constructive criticism on the functions of the Government?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Speaker, I have not said that the newspapers are not doing constructive work.

Mr. Lorena: Mr. Speaker, would the Minister tell the House how this Ministry will ensure that news and views are not confused?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Speaker, Sir, that may be a different question altogether, but, at the same time, views are usually expressed by the Editorial Board of the newspapers, and news is what we are talking about now. It can be made news tomorrow.

Mr. Gichoya: Mr. Speaker, Sir, arising from one of the Minister's replies, could we be made to understand that parochial reporting would be dealt with by the Government so that we can have fair play from the newspapers?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Speaker, I did not understand whether the Member used the word "parochial" or "correct". Can he repeat his question?

Mr. Gichoya: Mr. Speaker, Sir, I will repeat, but not exactly. What I want to know is whether the Minister could let us know exactly that he is going to see to it that parochial reporting—the word is “parochial”—will be dealt with so that we have fair play in the local Press?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Actually, I just wanted to help the hon. Member. I think he means district reporting, and other local activities. I think this is what he means by that. This is partly the work of the newspapers and, where we have Information Offices, we have Government officers reporting directly to the departments.

Mr. Juhazi: Mr. Speaker, Sir, would the Minister agree with me that all papers should be pro-Government?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, the answer to that is that we expect the newspapers always to be useful.

Mr. Gatuguta: Mr. Speaker, Sir, is it true that there is a circular in the office of the Kenya News Agency which says that the Minister should decide as to whether some kind of news items should be published or not? If it is true, is this some kind of censorship that the Minister is introducing?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): I think I have answered part of that, but we also must be aware that there may be some news which may be detrimental to the Government. What we are trying to avoid, Mr. Speaker, Sir, is the news which is unfair to any section of Kenya's population, and aimed at starting up enmity between Kenya's own people or of stirring up the country's security forces. I do not think that Members here would like to read news which is going to bring hostile trouble in the country.

Mr. Shikuku: Arising from one of the replies by the Minister, is the Minister aware that at the moment there is fear among the Press to publish the views of people which appear to be against the Government?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, I am not aware of it, because, as we have said, the Press is free, but that freedom is also qualitative; if it is going to stir up relationships or the peaceful administration, even the Members themselves would not like it.

Mr. Shikuku: Arising from the reply, is the Minister aware that the views expressed in the House are also supposed to be supported by the people outside, and that of late, people have been writing, for example, on this question of tribalism in the Civil Service and the papers have not published these letters because of fear?

The Speaker (Mr. Slade): No, Mr. Shikuku, I am afraid that is much too long a story.

Mr. Ngahi: Arising from one of the replies of the Minister, would he give an assurance that since this country has an Opposition, a paper which is out to oppose the Government will not be banned at all?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir—

The Speaker (Mr. Slade): Order, order. Let the Minister answer for himself.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, the Government cannot give that assurance at all, because we have not interfered with the running of the papers and I would like to invite the hon. Member to start one for the Opposition and run it in the way he likes, but what we want is that the paper must be constructive.

Question No. 106

OVERSEAS SCHOLARSHIPS: EMBU STUDENTS

Mr. Mbogoh asked the Minister for Education if he could say how many Embu students had been awarded scholarships for overseas studies.

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker, Sir, I beg to reply on behalf of the Minister. I would like to make it clear, right from the beginning, that it has not been my Ministry's policy or practise to award scholarships on a tribal basis. Scholarships have been and continue to be awarded primarily on merit. However, in doing this, fair distribution of scholarships over the whole of the country has been kept in mind.

The procedure followed in awarding scholarships is as follows:—

The scholarships are advertised in the local Press and the Kenya Official Gazette so that persons who feel that they are qualified in terms of the requirements of the individual scholarships can apply. The Ministry's instructions are always clearly explained in the advertisements.

The Parliamentary Secretary for Education

Applications are then processed by the Central Selection Board and qualified applicants recommended to the awarding country for final selection.

As the Ministry has not been keeping a record of the tribal distribution of awarded scholarships, I am afraid it is not possible to say exactly how many Embu students have been awarded scholarships.

However, while on this subject, I would like to request Members to encourage people in their constituencies to keep an eye on the local newspapers for scholarship advertisements.

Mr. Mbogoh: Mr. Speaker, Sir, the Parliamentary Secretary, according to his reply, has indicated that they do not keep a tribal breakdown of scholarships. Does he not agree with me when I say that it is a weakness in his Ministry that they cannot trace the origin of a student, even if he dies overseas?

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker, I do not agree, we always know where the students come from, but it is not always easy to know what his tribe is.

Mr. Mbogoh: Mr. Speaker, if the Parliamentary Secretary knows where the students come from, does he not agree with me that they are trying to hide something out of the whole lot which they have failed to do in their Ministry?

The Parliamentary Secretary for Education (Mr. Kaggia): I do not agree with that, Mr. Speaker. In fact, I think, I would like to explain a little more there. It is not easy to say how many boys of this tribe or that tribe, because we do not have records on a tribal basis. The difficulty is this: for instance, we may have ten applications from Embu District. Some of them may be from Europeans in Embu, from Asians, and so on, so we cannot rightly say that all these applicants are Embu by tribe.

Mr. Muliro: Is the Minister not aware that the hon. Member is talking about Embu District and not Embu tribe?

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker, he has been talking about this tribe.

Mr. Mbogoh: Mr. Speaker, would the Parliamentary Secretary tell me how many students from Embu District, and not from Embu tribe, whether of European origin, Asian origin, or African origin?

The Speaker (Mr. Slade): Can you answer that?

The Parliamentary Secretary for Education

(Mr. Kaggia): Yes, Mr. Speaker. I think I will be able to satisfy the Member. I can give one instance when we advertised a number of scholarships and we had nine applications from Embu, and out of these nine, four were accepted. Three of them went overseas for short courses and one of them went to Makerere, but I cannot say whether they were all Embu by tribe.

Mr. Ngala-Abok: Mr. Speaker, Sir, I have got two questions. One is, how many countries have offered Kenya scholarships since this Government came to power?

The Parliamentary Secretary for Education (Mr. Kaggia): That is another question, Mr. Speaker.

The Speaker (Mr. Slade): Mr. Ngala-Abok has one more question, perhaps the second one is luckier.

Mr. Ngala-Abok: The second one is, would the Parliamentary Secretary not agree with me that if we adhere strictly to non-tribal selection of students, some tribes will be denied this opportunity of scholarships?

The Parliamentary Secretary for Education (Mr. Kaggia): No, I do not agree with that, Mr. Speaker. We have different kinds of scholarships, some of which demand higher qualifications and others which demand lower qualifications and, as I said previously, we always take into consideration the distribution of scholarships to all districts.

Mr. Khasakhala: Mr. Speaker, arising from the Parliamentary Secretary's reply, he said that merit is considered on scholarships. Could he tell the House what merit those boys who went and who had passed the Kenya Preliminary Examination had?

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker, my Ministry has not sent any boys out with Kenya Preliminary qualifications only.

Mr. Khasakhala: Would the Minister refute that there are no Kenya Preliminary Examination students outside of Kenya studying, who went from Kenya?

The Parliamentary Secretary for Education (Mr. Kaggia): There might be, Mr. Speaker, but not through my Ministry.

Mr. Mbogoh: Mr. Speaker, is the Parliamentary Secretary prepared to assure this House that, in future, if the hon. Members want to know how

[Mr. Mbogoh]

many people from their districts have gone overseas, these figures will be available in the Ministry?

The Parliamentary Secretary for Education (Mr. Kagga): I have always provided them, Mr. Speaker, and I think I can assure the House that whenever we get these kinds of questions we can always answer them.

Question No. 108

AFRICAN RANKS IN THE KENYA POLICE

Mr. Makone: On behalf of my colleague, I beg to ask Question—

The Speaker (Mr. Slade): The next question is Mr. Mbogoh's—

Mr. Mbogoh: Mr. Speaker, I have asked him to help me with that one.

The Speaker (Mr. Slade): You can only get him to ask your question if you are not here.

Mr. Mbogoh asked the Minister of State, Prime Minister's Office if—

(a) the Minister would tell the House the number of Africans who were at present holding the rank of—

(i) Inspector in the Dog Section of the Kenya Police Service; and

(ii) Company Commander in the General Service Unit Force?

(b) How long Police Inspectors usually stayed in a particular station before they were transferred?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to reply:

(a) (i) From an establishment of seven Inspectors and two Sub-Inspectors there are at present two African Inspectors and three Sub-Inspectors in the Dog Section of the Kenya Police. (ii) None of the five Company Commanders in the General Service Unit are African at present. There are, however, 12 African platoon commanders all holding the rank of Inspector. (b) It is the wish of the Inspector-General that an Inspector should spend as long as possible in the same station so that he gets to know and is known by, its people. This he considers essential in the interest of public co-operation with, and confidence in, the police in the prevention of crime.

The departure of a large number of expatriate officers during the latter part of 1963 and an increase in promotions and consequent transfers

as a result of such departures, has effected continuity and will continue to do so until the position becomes more stable.

Mr. Mbogoh: Arising from the Minister's reply, Mr. Speaker, could he tell the House why those European Inspectors who are in the Dog Section refer to African dog handlers as dogs themselves, and why should they not promote dogs to handle dogs?

The Speaker (Mr. Slade): I do not know if you want to answer that question, Mr. Murumbi.

The Minister of State, Prime Minister's Office (Mr. Murumbi): No, I do not.

The Speaker (Mr. Slade): Mr. Makone can ask a supplementary question on your behalf, Mr. Mbogoh.

Mr. Gichoya: Mr. Speaker, Sir, I would like to know from the Minister if he is contemplating having African Deputy Company Commanders?

The Minister of State, Prime Minister's Office (Mr. Murumbi): The matter will be considered by the Police Service Commission.

Mr. Ngala: Arising from one of the replies of the Minister, Sir, could the Minister state what stages have the twelve Inspectors reached towards becoming General Commanders in the General Service Unit?

The Minister of State, Prime Minister's Office (Mr. Murumbi): I am afraid I shall have to have notice of that question, Mr. Speaker. I do not know what stage they have reached.

Mr. Gichoya: Arising from one of the Minister's replies, and in view of the fact that some of the Inspectors, especially at a particular place are becoming a problem to the constructive criticism of the police working there, can we be made to understand that when we report these problems to the Ministry, some steps will be taken against a particular Inspector?

The Minister of State, Prime Minister's Office (Mr. Murumbi): There are, in most of the Regions, authorities to whom such reports could be made and, if they are made to us, we will pass them to the local authorities to investigate them.

Mr. Malinda: Mr. Speaker, will the Minister tell the House why the Government has been unable to promote any African into the rank of Company Commander in the General Service Unit?

The Minister of State, Prime Minister's Office (Mr. Murumbi): I answered that question before, Mr. Speaker. I said this will be done by the Police Service Commission.

Mr. Mutiso: Mr. Speaker, would the Minister tell the House why there are no European or Asian constables in the Police?

The Speaker (Mr. Slade): That does not arise out of this question?

Mr. Ole Ololipitip: Mr. Speaker, Sir, could the Minister tell this House whether the dogs are also promoted when places fall vacant?

BILL

Second Reading

THE TRADE DISPUTES BILL

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I beg to move that the Trade Disputes Bill be now read a Second Time.

Mr. Speaker, Sir, hon. Members will have by now studied the draft Bill of the Trade Disputes Legislation, 1964. I would remind them that, essentially, the new proposals follow many of the provisions contained in the Act which we are seeking to repeal, but there are also a number of new proposals which will bring up to date the existing legislation and make it conform to present-day thinking on the handling of trade disputes. Hon. Members will see from the draft Bill that provision still exists for the establishment of conciliation machinery which is the first step to the settlement of disputes. There is a difference in the new Bill which widens the scope of the Minister in conciliation proceedings. At present, he must appoint an officer of the Ministry to effect conciliation, and this narrows the chances of settling disputes in reality. It is proposed that the Minister may select, from outside the Civil Service, a person whom he considers capable, but having nothing to do with the dispute, to effect conciliation. Further, he may, if he thinks fit, appoint a panel of conciliators from without the Civil Service in an endeavour to assist conciliation. This is a big step towards the normal means of solving trade disputes and, if it is accepted, it may mean that disputes, which have no solution under existing machinery, need never go further than within the framework of that particular employment.

Hon. Members will also know that clause 8 deals with a modification of the existing machinery where the parties to a dispute can go to an arbitration tribunal. This provision already exists under present legislation, but the Bill is more concise in its terminology, in that it determines that the findings of the chairman of the tribunal shall be binding and rules out the presentation of minority reports, which, in themselves, are of no value to

an arbitration tribunal and often serve to deny the work or worth of the tribunal.

The Speaker (Mr. Slade): Mr. Mwendwa, you will recall that we have a Standing Order which expressly says that hon. Members must not read the whole of their speeches. As I have said on other occasions, there is considerable latitude for Ministers who have to deal with a lot of facts, figures and technicalities, but still that does not justify quite obviously reading every word of your speech. Try to disguise the fact a little.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, that is correct, but if I may beg your permission, this is a legal matter and it has been dealt with in legal language, and it is not a case of just talking to the House. I have to explain every clause so that the Members understand exactly.

The Speaker (Mr. Slade): But still, if you understand the meaning of the clause yourself, you should be able to add some spontaneous words.

Mr. Ngala: It is because he has been to Kisumu.

The Minister for Labour and Social Services (Mr. Mwendwa): I did not go to Kisumu to rest. I was doing the work of the public.

Mr. Speaker, during my speech, I have been dealing with the part in which there is no change at all, but if I may turn now to the parts of the Bill which have been altered by the new Bill, the Members, I am quite sure, will look at the Bill and try to follow me. In clause 7, we have departed from the existing legislation whereby the Minister may cause any dispute registered with him to be investigated, either by a civil investigator or by a group of about three or four. This shall be the guide to the Minister, whether he shall invoke the use of clause 8 or clause 12 of the Bill. This system, Mr. Speaker, will remove from the Minister the task of deciding arbitrarily what should be done with any dispute, and will open the way to suggesting to the party or to the Minister an alternative approach which will lead to a settlement without recourse to either arbitration or a board of inquiry.

Mr. Speaker, under the existing legislation, this alternative is not available, and its value must be of obvious advantage in reviewing the number of cases which are, at present, referred to the machinery.

Next, Mr. Speaker, I must draw the attention to clause 9 of the Bill. This sets out a completely new form of procedure for the settlement of disputes in Kenya. The Labour Advisory Board for

[The Minister for Labour and Social Services] some time has been considering the legislation; and this I must say: when the unions in Kenya were in the hands of my colleague, Mr. Mboya, he also, for some time, was also fighting for this new form of legislation when he was the General Secretary of the Kenya Federation of Labour, and the Government now has decided to introduce this Bill. I must tell hon. Members that has been done in agreement with the Labour Advisory Board and also the Kenya Federation of Labour who are a party to the agreement which we reached the other day.

Clause 9 of the Bill introduces an industrial court in Kenya. This new concept in the settlement of industrial disputes is a fundamental right of industries to go to independent bodies to get a settlement without recourse to statutory machinery as is provided in the other clauses of the Bill. I think hon. Members know, Mr. Speaker, that we have had some statutory machinery and provision is made for this in other clauses of the Bill. For example, we had conciliation and arbitration tribunals and then boards of inquiry. If the findings of this board were such that even the Minister could not give an award, that is, he could not say that this is to be done, still they had to be negotiated and agreed by the two parties—that is, the employer and the employee—

Mr. Masinde: That is still right

The Minister for Labour and Social Services (Mr. Mwendwa): That is still right, even now. The hon. Members will realize that clause 9 is no more than is advocated by both sides. It should be noted that this form of settlement is not one to which the Minister may make reference. In fact, it is a voluntary surrender of industry's case to a court which is set up specifically to deal with cases where the two parties to a dispute prefer to settle their disputes, their problems, without recourse to the legal machinery provided in clause 8 and clause 12. Therefore, the Government hopes that industry will make use of this form of settlement of disputes.

Mr. ole Olottipitip: On a point of order, Mr. Speaker, is it in order, after you have ruled that the Minister should not read his speech all the time, that he should continue to do so?

The Speaker (Mr. Slade): I think he has made an effort every now and then to get away from the written word, but obviously hon. Members are not satisfied. They are entitled to ask for a more strict adherence to our Standing Order.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, we value the time I am trying my level best, and if only the Members knew how busy I am—

Hon. Members: Resign, resign.

Mr. Ngala: You are empty headed.

Mr. Guchago: On a point of order, Mr. Speaker, is it in order for the Leader of the Opposition to remark that the Minister is empty headed?

The Speaker (Mr. Slade): I do not think that it is completely beyond the requirements of parliamentary language, no. That is not to say that I support the interjection!

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I do not think I will ever worry at being called anything. I am used to it!

The Government hopes, therefore, that industry will make use of this form of settlement once the machinery is established, as I have already said

Mr. Masinde: What about the workers?

The Minister for Labour and Social Services (Mr. Mwendwa): The Tripartite Agreement has said that this court shall be established as soon as possible.

Mr. Speaker, in this Bill, all we are asking the Government and this House to do is to authorize my Ministry to appoint a President. That is the man to whom all the disputes will be sent. He will be a man with legal understanding, he will know the law, the Bill, everything. He will be able, we hope, to review the disputes in a shorter time than it has been possible to do in the past.

I do not think I will be out of order if I draw the attention of hon. Members to this one fact: when I am setting up a board of inquiry for disputes and trying to settle them, it may not be known in this House that Government uses quite a lot of money in establishing and running these boards. For example, if I may say so, with your permission, Mr. Speaker, a chairman gets £15 a day for one day for sitting on a board. An ordinary member to the board gets £10 a day and the board of inquiry may drag on for about a month. If the hon. Members can just calculate how much money this Government uses for the settling of these disputes, they will all agree with me that we need a court where the disputes are directly taken by somebody who knows legal matters and who will take a week or two in settling them; for the sake of saving money which is used—I will not say carelessly—without being

[The Minister for Labour and Social Services] able to stop this wastage. If hon. Members will look at clause 7, they will see exactly how much money my Ministry uses on these boards. We are given £8,000, and this is the money used for settling these disputes. If, as I hope, we establish this court, perhaps less time will be taken to settle disputes by these people who know what to do.

(Interruptions)

Mr. Speaker, it is not encouraging when hon. Members in the House try to oppose or even go to the extent of abusing a Minister who is trying to help them. This does not give anybody encouragement. I thought that we were here to act in a reciprocal way. When I go to North Nyanza or Central Nyanza to try to put a Government plan into operation, I expect reciprocal support from the Members so that I can be encouraged.

With these few words, I beg to move.

The Minister for Justice and Constitutional Affairs (Mr. Mboya) seconded.

The Speaker (Mr. Slade): Before proposing the question, I will repeat what I said to Mr. Mwendwa about reading speeches. I understand that it was very difficult for him, having come here with a written speech to move over to spontaneous speech; but having regard to the insistence of hon. Members on this Standing Order, they are within their rights, and I shall have to be more strict with other Ministers on other occasions, and I hope, they will be so informed.

(Question proposed)

Mr. Ngala: Mr. Speaker, I would like to express our concern over this Bill. Quite a lot of Ministers on the Front Bench have used the Kenya Federation of Labour to climb to the position they are now in, but they are now seriously undermining the freedom of the worker. This Bill is intended to make the Minister sole dictator over the workers in this country. As such, I would like to make my comments and point out a few things which, I hope, the hon. Member, in spite of the fact that he had no knowledge of what he was talking about—he was just repeating what his Permanent Secretary told him—

The Minister for Labour and Social Services (Mr. Mwendwa): On a point of order, Mr. Speaker, is it right for the hon. Member to say I did not understand what I was talking about?

The Speaker (Mr. Slade): I think that is going a bit far, Mr. Ngala, to say that a Minister does not understand what he was talking about.

Mr. Ngala: I only meant that he was repeating the brief that his Permanent Secretary had given him, Sir.

The Speaker (Mr. Slade): No, you must not be quite so free with your language, Mr. Ngala.

The Minister for Labour and Social Services (Mr. Mwendwa): He did nothing when he was a Minister.

Mr. Ngala: Mr. Speaker, Sir, I would like to deal with the principles included in the Bill very briefly.

First of all, section III, "Persons to whom the Article does not Apply". I would like some explanation as to whether the Minister does not think that excluding servants serving in the East African Common Services is not a disadvantage to the smooth working of his own Ministry. I see, that here, he has excluded the East African Common Services Organization servants, and in the Tripartite Agreement this mistake was made, and for the last two weeks the Minister himself has suffered from this.

Another point is the position of the Military, Navy and Air Force, the Tribal Police and the Prison Service being excluded from this. I would like to get some explanation on this. I know that they are essential services, but I would like to get the assurance of the Minister as to what other alternative arrangements have been made for these services as a result of the mutinies that we have had in recent weeks. Unless the Ministry makes alternative arrangements for this, then we are always in trouble within the Government services.

In section III, where the Minister is talking about action by the Minister, I think he should reconsider his assertion that he should have the powers either to accept or reject, even having regard to any matter which he considered to be relevant in the circumstances. We have suffered too long from dictatorship by Ministers on labour matters and I think, in the interests of the workers, the Minister should consider amending section V, I (d), so that the recommendation of the workers or the parties concerned can be considered, apart from giving complete and sole power to the Minister to reject or accept, when matters such as those are serious to the workers. It says here, "having regard to any matter which he (that is the Minister) regards to be relevant in the circumstances . . ." That is; the Minister himself, using his own discretion, can turn down an important matter that concerns the workers.

The Minister for Labour and Social Services (Mr. Mwendwa): We are ruling.

Mr. Ngala: I know you are ruling, my dear friend, but with the votes of the people, and the workers are the people. For this reason, we are asking him to reconsider the feelings of the workers where the workers may not feel that the Minister should have those powers. I think that these powers are beyond the fair powers that a Minister for Labour should be given. I am saying this with a great deal of experience having been Minister for Labour myself. I never allowed this type of dictatorship when I was Minister for Labour. I gave the workers every freedom and wanted co-operation and wanted to understand their feelings. I think the feelings of the workers are very much insulted here by this dictatorial attitude of the Minister. On section V, 2, "The Decision of the Minister", I think, the decision of the Minister in this Bill has been assumed as always being the right decision. I would like to say that it is often a wrong decision and, therefore, the workers should be given a chance to query the decision of the Minister. The decision of the Minister in this section seems to be final and I think that, in these matters, the workers who are the parties concerned, should be given a chance. It says here, "The decision of the Minister shall, as soon as practicable, be communicated in writing to the parties to the dispute or their representatives." What I intended to say, Mr. Speaker, is that I would like further information as to whether this decision can be queried by the parties concerned and in what way could they query this decision and get their way and their rights as workers?

Next, Sir, section VI, "The Methods of Conciliation". This I think, is a most disgraceful part of the Bill. With the Methods of Conciliation in section VI, towards the end of paragraph, the Minister says that there would be a proportion and these proportions would be between the employers and the workers engaged in or in any branch of the particular trade or industry. I would again like more information as to the basis on which these proportions would be decided by the Minister. I believe that it should not be just out of the discretion of the Minister, but that it should be with the approval of the parties. The parties that are concerned are even more entitled to the direction and the type of decision that has to be made, more so than the Minister himself. I acknowledge the point, Sir, that the Minister is generally responsible for his Ministry, but I think that, when it comes to settling these disputes, the parties concerned are more concerned with the

decision that the Minister. Therefore, in section VI (a), I think that the proportions should be with the agreement of the Minister.

In section VI (ii) (a), "the approval of the parties should be sought in these matters," and (b) of that section (ii), "the names of the panel should be with the approval of the parties as well." Sir, this settlement of disputes is a very important matter to the workers and the trade unions concerned and I am pointing out these sections, because it is in these sections that the Minister has given himself total powers of dictatorship over the trade unions and over the workers. I think this Bill is a starter to something more serious in future than it is showing now. I think this is the right time that I should point out the seriousness of a Labour Minister seeking to have complete control over trade unions and over the workers and I think, in Kenya, this would bring great disgrace on the workers.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I want your guidance here. Is it in order for a Member to talk on a clause which has been in existence, which has not been altered. It has been in existence even when he was the Minister of Labour?

The Speaker (Mr. Slade): Yes. If an entire new Bill is presented, then hon. Members can discuss every clause, whether or not they are repeating an old Act. When there is an amendment to a Bill, then Members can only discuss the amendment and not any other clause of the principal Act. If you object to Mr. Ngala's description of the clause, or his criticism of it, then you have the opportunity of answering to the criticism in due course.

Mr. Ngala: I know what I was talking about, but the Minister, I think, is just down from Kisumu.

Mr. Speaker, Sir, I would like to make it quite clear that in section VI (c) this section seems to be quite all right and I would like to say that this section is a fair consideration, but section (a) and (b) should definitely be cut out of the Bill. I would like some further explanation on section (d), that is as to what the Minister means when he says he can withdraw the laying down of a trade dispute. On what basis could he withdraw this and, if he withdraws this kind of dispute, and the formation of the whole negotiating machinery, what would be substitute for it?

On section VII, Sir, where the Minister is dealing with investigation into trade disputes, I would remind him of the fact that he has taken on powers unfairly by giving himself powers to

[Mr. Ngala]

appoint investigators himself, without consultation with, or the consent of, the parties concerned. I think this is very unfair of the Minister and I would like some explanation as to why he feels that in Kenya this is an appropriate time to make an arbitrary decision, where he appoints an investigator on his own. Of course, I realize that in section IV the Minister is proposing the formulation of proposals, and in the formulation of proposals it becomes even more serious when the proposals are given by people that are arbitrarily appointed by the Minister himself, with out the consent or knowledge of the parties concerned. I think the Minister has made it quite clear that he has these ideas from his colleague, the Minister for Justice and Constitutional Affairs, and I think that we should be told how he thinks that the labour machinery will be assisted by acting so dictatorially in matters that settle disputes for the workers as a whole.

At the end of paragraph 4, section VII, it says that the Minister cannot be precluded from making his own recommendations. What is the use, Mr. Speaker, Sir, of appointing a body to make recommendations and then coming back afterwards and saying that the Minister cannot be precluded from making his own recommendations? Why start with a body of investigators who can make recommendations and then, afterwards, include a clause which gives the Minister all the powers in spite of the investigation body that he appoints? I think this is very contrary to the freedom of the workers in Kenya. I am beginning to wonder, Sir, whether the Minister is getting some new ideas from other countries outside Kenya in bringing this Bill. I am quite sure that such ideas are not supported by the trade unions of Kenya, and I am quite sure that the workers in this country do not support his ideas. You cannot appoint a committee to make recommendations and then, at the end of the whole thing, say that you, as the Minister, will make your own recommendations without allowing anybody to stand in the way. My submission, Sir, is that the recommendations should be made by a team of investigators who will investigate the dispute and the Minister should consider this recommendation by the team, and he should not say that his recommendations will not be obstructed by any other recommendations. The Minister has a chance to explain to me what it means if his English in the Bill is not clear.

On section VIII, Sir, where the Minister is dealing with arbitration of trade disputes, I think the Minister has made it quite clear that he can lay down for the trade unions, or the parties concerned, what matters he feels are appropriate

for settlement, or for arbitration of the dispute. My submission is that the parties concerned should submit to the Minister themselves what they feel is at stake and what they feel should be discussed, and the Minister should not dictate to the parties concerned as to what should be arbitrated upon, and what should be points for dispute. This is quite unfair because, when the disputes are brought to the Minister, the parties concerned have grievances and it should not be up to the Minister to decide what points of grievances should be taken up by the Labour Committee. I think this is a completely new outlook as far as settling labour disputes is concerned. I would like some explanation from the Minister as to what he had in mind in suggesting that.

To go on to section VIII (iii) (a), Sir, the Minister has given himself powers to appoint a sole arbitrator just out of the blue as he likes himself. I think this is quite contrary to the labour traditions. I think this is quite contradictory to the I.L.O. rules. The Minister should not just appoint anybody, any persons he wants to settle such important matters. I think the arbitrator should be such a person as would be accepted by both parties, because it is then that his decision as the arbitrator would be accepted by the parties. Here it says very clearly, "... or failing such agreement as the Minister may in his discretion determine sole arbitrator . . ." If the Minister has not done his homework on this Bill, I am prepared to give him time to do it, but it is very clearly stated here that he can appoint, out of his own discretion, a sole arbitrator without consulting the parties. The Minister is asking what is wrong with that. What is wrong is that he is dictating over the trade unions of Kenya and dictating over the Kenya Federation of Labour, and he is taking away our freedom. Mr. Speaker, Sir, I would like to submit to the Minister that the trade unions of Kenya, the labour organizations of Kenya, are watching the Minister's steps with this Bill. This is why we refused to allow the Bill to be read the Second Time last week, because we knew that it was intended to steam-roller this Bill through so that the Minister would be able to get the dictatorship he wanted, but he has missed the boat now. We are serious in submitting that the Minister is not capable of appointing one arbitrator without consulting the parties concerned; the employers or the trade unions. Every justice and fairness must be given to the workers and this is the basis on which the trade unions in all free countries are working, and I think the Minister should pay attention to this if he wants to keep his Ministry for very long.

Mr. Speaker, Sir, the other point that I would like to raise on this is in section VIII (iii) (b) and

[Mr. Ngala]

(c), is on the two other assistant arbitrators, one of whom is to be appointed by the chairman. I would like to know on what basis the chairman will appoint these people. The Minister seems to give a lot of power to the chairman, and I think it is quite unfair to give such powers to the chairman, without getting the consent or consulting the parties that are concerned. Mr. Speaker, in section (d) it says, "one or more arbitrators appointed from among persons nominated by or on behalf of one of the parties concerned and an equal number of arbitrators appointed from among persons nominated by or on behalf of the other parties concerned an independent chairman." I would like to know whether the Minister does not deem it right that the parties concerned should have equal representation in the arbitration team. According to this, the Minister does not seem to give a great deal of importance to this fact, because I think the workers should have equal representation with the employers in these matters. Mr. Speaker, Sir, when the arbitrator that is selected by the Minister on his own discretion, makes an award, the Minister goes on to say that the award (when the arbitrators disagree), then he would make his decision and his decision would stand. I would like some explanation as to how the Minister intends to get the confidence of the workers if this is his attitude, and the confidence of the employers and how it can work in the long run? I think, my submission is that the Minister should give an opportunity where there is disagreement among the arbitrators.

The Minister for Labour and Social Services (Mr. Mwendwa): Where is it?

Mr. Ngala: You say where is it? Why do you not read your own Bill? This is the trouble, Mr. Speaker, of having Ministers who come here unprepared. It is on page 75 of the Bill, if the Minister will look at it. On page 75 of the Bill, where the Minister is suggesting that where the arbitrators disagree among themselves, then he would make the decision himself and announce the award—Now he says it must be done, he has seen it now. The point, Mr. Speaker, is that I am submitting to the Minister that if there is disagreement among the arbitrators, then the Minister should either give a percentage to what extent is this disagreement, not just mere disagreement, but there should be a percentage. If it is two-thirds of the arbitrators, then it is accepted as the majority agreement, and should stand, but the Minister should not come in with his powers as the Minister to say, "This is the decision whether you like it or not, this is the

award, take it or leave it". This is what I am objecting to on behalf of the workers and the employers, and also on behalf of the economy of this country.

Now in section IX, the Industrial Court is mentioned. The Industrial Court is another method of bringing about dictatorship on the workers. The Minister must determine it in relation to the workers or employees interests. It looks as if the Minister here is not interested in the interests of the workers, or in the interests of the employers or in the interests of the economy of the whole country.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): What have I got to lose?

Mr. Ngala: I do not know, perhaps a part of yourself. He gives powers to Presidents, and the President of the Court is to have too much power without taking into account the feelings of the workers and employers. I would submit to the Minister that the Presidents should not have so much power over the whole arrangement of trade disputes in the industrial court.

The difference between a Regional President and these Industrial Presidents is that these Presidents here—perhaps the Minister for Justice has not read the Bill—are nominated by the Minister. The Regional President is elected by his own people.

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): On a point—

Mr. Ngala: On what point?

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Will the hon. Member give way?

The Speaker (Mr. Slade): You need not give way, Mr. Ngala. He has not got a point of order.

Mr. Ngala: Has he got a point of order?

The Speaker (Mr. Slade): No.

Mr. Ngala: No, I am not giving way.

The Minister for Labour and Social Services (Mr. Mwendwa): On a point of information, Mr. Speaker.

Mr. Ngala: It is not a point of information.

The Speaker (Mr. Slade): Are you willing to give way?

Mr. Ngala: It is not a point of information. I am not giving way. These people have a chance to reply, I have told you that I am going according to your own bible here. If you do not believe in your own bible, say so.

[Mr. Ngala]

Mr. Speaker, Sir, there is no definition at all as to how the members of the Industrial Court are going to be elected. Most of them, in fact, are nominated by the Minister himself, and these people, even if they elect the President, although I suspect very strongly, that he is a President nominated by the Minister himself.

An hon. Member: You are talking rubbish.

Mr. Ngala: If the Bill is short of an explanation, that explanation should have been included here. Mr. Speaker, Sir, I would like to object very strongly to section 18. The powers of the Chief Justice is to make laws, make rules as to how the Industrial Court is going to work. The Chief Justice is given powers, and there is no mention in this Bill that the parties concerned will be consulted as to what they feel will be appropriate in making laws that would work smoothly in the labour movement. Now, I think the Minister should reconsider this power, because it is very well known that most of the lawyers, the Chief Justice included, have very little knowledge of the labour movement or of trade unions and how they work. To give them the power to make laws as to how the Industrial Court should work. I think is very unfair to the trade unions.

As I said at the beginning, Sir, my objection is on principle. The Minister in this Bill has sought to give himself dictatorial powers over trade disputes, something which was not there in the past. He is trying to bring it in. He attempted to rush it last week, but he failed. I hope now he will take into consideration the submissions that we have made, so that trade unions can work in co-operation with the Government in Kenya. I hope that he will realize that the trade unions do watch his activities and his movements in the country, and would like to have a fairer machinery where they can freely submit their views in the interests of the workers of this country. The Minister goes ahead because he has got the majority to steam-roller the Bill through. What I do emphasize, Sir, is that the trade unions will lose confidence in the Minister and in the Government and we shall have trouble, and whatever grievance we come to, it will not work.

I would like to say to my friend the hon. Minister that, although I appreciate the need for introducing this Bill, I think the powers that I have mentioned should be looked into and, if possible, modified to get the co-operation of the workers. Before I consider supporting this Bill, I would like to know what the Minister's reaction is on these tribal points that very much concern the freedom of the workers, which has been preached so long by the Minister himself and his

colleagues on the Front Bench on the Government side. If, now the Ministers are in power, they forget the workers' well and good, but I would submit very, very strongly that the workers have very genuine interests over this Bill which should be considered.

With these few remarks, Sir, I would seek explanation from the Minister or any of his colleagues on the Front Bench on the points I have raised.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, perhaps it is fitting to intervene at this early stage in the Debate in order to disabuse some of the hon. Members opposite, who seem to be entirely confused as to the actual significance of the Bill before the House. The hon. Leader of the Opposition is a person who is expected to speak with a greater sense of responsibility than the one demonstrated in the House today. He has done one thing very ably: to play to the gallery. He has done another thing very ably: to misrepresent the entire purpose of the Bill and to misrepresent and misread—a deliberate attempt to misread—the meaning and significance of the various sections of the Bill.

Now, Sir, any person with an elementary knowledge of industrial relations, an elementary knowledge of what is meant by a trade dispute, will understand that here is a Government which, far from being accused of acquiring dictatorial powers, has restrained itself completely and preserved the position of free and collective bargaining. Mr. Speaker, Sir, before any of the issues between a trade union and employer can come to the stage where this machinery will apply, it is clearly implied and intended that the union and the employer shall voluntarily, of their own accord, and with their own free machinery, attempt to arrive at a settlement. There is nothing in this Bill which says, or even supposes to say, that the moment there is a dispute they must report it to the Labour Commissioner or to the Minister.

Mr. Ngala: Nobody has said that.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On the contrary, it leaves the entire area of industrial relations in the hands of freely organized and negotiated machinery as between the labour union and the employers' association. Now, Sir, the hon. Leader of the Opposition was talking very briefly a few minutes ago, about the International Labour Conventions. If he knows and understands them, which I doubt, even though he has been a Minister for Labour, if he ever took the time to read them

[The Minister for Justice and Constitutional Affairs]

when he was a Minister for Labour, which I seriously doubt, he would know that one of the basic principles involved in these International Labour Organization Conventions is free collective bargaining. If the hon. Member insists on interrupting the country might as well know that, when he was Minister for Labour, not once did he ever deal with and settle a single labour dispute in this country. In fact, he was never in the office.

Mr. Speaker, I do not wish to be diverted from having the House and the country understand fully the significance and purpose of this Bill, and no amount of heckling from the dwindling Opposition will alter this fact. Now, Sir, I have established, I hope, that, in fact, we are going to continue the system of free collective bargaining and negotiation as has existed in this country for many years before, and contrary—and this is important to note—to the trend that is already happening in quite a few countries. This country, and the Minister for Labour, ought to be complimented for the fact that, even when we have been faced with serious industrial unrest, we have never lost our heads, nor lost patience; we have continued to deal with these matters on the principle that we have always fought for and established.

I am sure that if we had lost the confidence of the workers, I would be sitting on that side of the House and you would be sitting on this side of the House. Mr. Speaker, if we had lost the confidence of the workers, the Opposition would not be the Opposition today. It is because we retained the confidence of the workers, that the Opposition is dying a natural death.

An hon. Member: You were knocked out of the labour movement.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, if I was knocked out of the labour movement, I would like to know from what the hon. Member was knocked out, because he seems to have sprung from nowhere.

The Speaker (Mr. Slade): Do not let the Opposition provoke you into too many irrelevances.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): It is unfortunate, Sir, that the House has to waste so much valuable time by useless heckling from the Opposition.

The Speaker (Mr. Slade): I think that you enjoy it.

The Minister for Justice and Constitutional Affairs (Mr. Mboya):

Sir, if I may deal with some specific points made by the hon. Leader of the Opposition in which he completely misled both himself and his colleagues. He speaks of the Minister trying to be a little dictator. The only difference between this Bill and the existing Act is that, where the Labour Commissioner has normally held these powers, the Minister will now hold them. That is the only difference and, it so far as the hon. Leader of the Opposition accepted that position in which the Labour Commissioner had these powers, he cannot deny today that somebody who is not from the Trade Unions or the Employers' Federation or the Employers' Associations should help to bring the two sides together. This is the whole purpose of trade disputes settlements. You cannot settle a dispute by telling the people who are in dispute that the only means of settling their dispute is for the two of them to agree. If that were the case, then we need not have an dispute-settling machinery. We need not have to bring in an impartial person who is not involved in the dispute itself.

Sir, is it being seriously suggested by the Opposition that the Government has no interest in labour disputes in this country; that the Government should sit aside and do nothing when there is an industrial war or an industrial dispute? Is it seriously being suggested that the Government should have nothing at all to say in these matters?

Mr. Speaker, Sir, if it is a question of what one calls dictatorship, it appears that this is a highly prostituted word by the Opposition. They seem to find dictatorship under every bed. That is understandable for a people who are defeated and are dying a natural death.

Mr. Ngala: Give us peace!

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Sir, I have heard the plea from the Leader of the Opposition. The Government cannot and will not, regardless of what the Leader of the Opposition might say, sit aside if there is an industrial dispute in this country. The Government intends to do something about it and use every possible facility. This is not dictatorship; this is to facilitate agreement and what is more, what the Minister has said, or what the Act will give to the Minister, is not even power to make a decision or to impose a decision; it is power to facilitate a smooth investigation, conciliation and arbitration of a dispute. If these stages all fail, then the matter goes to an impartial body, the Industrial Court, on which the Minister does not sit.

[The Minister for Justice and Constitutional Affairs]

Sir, the Leader of the Opposition told the House that the Minister appointed the President of the Industrial Court. He does not do so. The Chief Justice appoints, the President of the Industrial Court. Mr. Speaker, I would like to sit down and ask the hon. Leader of the Opposition if he is seriously suggesting in this House that the Chief Justice of this country is a stooge of the Minister for Labour?

Mr. Ngala: I am not suggesting that.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): All right, shut up.

Sir, we understand from the Leader of the Opposition—

Mr. Ngala: On a point of order, Sir, is the Minister in order in using the word "stooge"?

The Speaker (Mr. Slade): No, but I heard it coming from the Opposition Benches first. Two wrongs do not make a right, and hon. Members are aware that I have objected to this phrase on other occasions. It is an unnecessary word to use, and offensive.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, at least we have established one fact, that the Leader of the Opposition agrees that the Chief Justice is not a stooge of the Minister for Labour, and therefore he agrees that the Chief Justice is the right person to appoint the Chairman of the Industrial Court.

The Speaker (Mr. Slade): Mr. Mboya, to be absolutely correct, and not to misrepresent Mr. Ngala, he denied having said that the Chief Justice was a stooge of the Minister, and that is not the case.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, at least we have established that, nobody is saying that he is a stooge of the Minister! Having established that fact, we now find that we have a Chief Justice who is nobody's stooge, who I will appoint the President of the Industrial Court. That is the spirit of independence and impartiality which this Government wants to uphold.

The next point, which should be noted, is that other members of the Court will be appointed—I hope that hon. Members will read and understand what they read—on the basis of at least one independent member, at least one representing employers and one representing the workers. How impartial can we be? One representing the employers, one representing the workers and one

independent and the President, not appointed by the Government or the Minister, but by the Chief Justice.

Mr. Speaker, already, today, this House (including the Opposition) has passed Acts which establish many boards in this country and, on all those boards, there is separate representation by independent members and by various other members representing other interests. I do not know whether the Opposition today wishes to suggest that we should call angels from heaven to come and appoint them! The only persons who have the established authority to do so are the Ministers of this Government, and we cannot invite the Leader of the Opposition, however much he may wish it, to do so.

An hon. Member: He does not want to be there, anyway.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Do we understand that the Opposition has no ambition to form the Government?

Mr. Speaker, the Leader of the Opposition dealt at length with the question of clause 6 which concerns the methods of conciliation. There is nothing at all in this clause which is new in the sense that the principles which are already part of the existing Act have been transferred into the new Act. The only new provision is the inclusion of the Minister in place of the Labour Commissioner.

It is important to appreciate why it has become necessary to have the Minister in place of the Labour Commissioner. In the old Act, which was established during the colonial days, both the Minister and the Labour Commissioner were civil servants. Today, we have a properly constituted political Government of the people of this country. It must take full and ultimate responsibility for all the actions of this Government. Hence, we are convinced that instead of a civil servant taking responsibility and answering for the actions of the Government, the Minister must do so. This is in keeping with the democratic principles for which the Opposition has been pleading for so long.

Mr. Speaker, Sir, I do not believe that there was very much else said by the Leader of the Opposition which warrants further comment. It is a massive misinterpretation and misunderstanding on his part, and I would like merely to conclude by saying this to the House. If, in fact, this Bill represents a dictatorial tendency on the part of the Government, why should the freely elected leaders of the labour movement be parties to it?

The Minister for Justice and Constitutional Affairs]

Are we today being told that the Opposition represents the workers, but the Kenya Federation of Labour does not? Are we today being told that the Opposition represents the employers, but the Federation of Kenya Employers does not? Are we, the Government, wrong in listening and working with the established organizations of the workers and employers of this country, or shall we come and work with the Opposition in their place?

Mr. Masinde: Why did you bring this Bill here?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I am surprised to hear the Opposition bench asking why we brought this Bill here. I will tell them why we brought it here. It is simply that every Act has to be passed by this Parliament. If the Opposition did not know this simple elementary aspect of legislation, then I cannot help them.

Mr. Speaker, I know that the trade unions in this country are waiting eagerly for this Bill to be passed, and they are most grateful and impressed that our Government, instead of following in the footsteps of other people, has chosen the path of standing by and continuing the exercise of recognizing the democratic processes which we have always preached. If these overtures are abused, then, of course, we reserve the right to come back to Parliament and seek new measures, but we are convinced that, at this stage, there is no reason for us to depart from the established ideals which we have already publicly declared. No amount of confusion by the Opposition will divert us from the path that we have set for ourselves.

Mr. Shikuku: Mr. Speaker, I feel that I must, first of all, congratulate the hon. Members in this House, both on this side and on the other side, for having carefully, reasonably and in the interests of the people in this country—I can see the Minister for Justice and Constitutional Affairs running away, but that is all right—made it impossible for the Government, last time we were here, to rush through this Bill. This shows the amount of interest the Members in this House have in the nation-building of this country. I feel, Mr. Speaker, that we have been given the opportunity of reading this Bill here, and we have much to say today.

If I may go straight to the Bill, Sir, I would, first of all, like to show hon. Members that I only have the Bill in one hand and the Order

Paper in the other. The so-called Kenya Broadcasting Corporation reporters here should know that I only have two pieces of paper in my hand and not a heap of papers as I was previously accused of having.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. De Souza) took the Chair]

I feel that if the Press, having been given the privilege of coming into this Parliament, are not going to be accurate in their reports, next time we shall ask them to leave the Chamber and go home. They must also know, Mr. Deputy Speaker, that on such important matters, we are putting across the views of those who elected us to this Parliament, and we would like them to have correct reports of what takes place in this Parliament.

An hon. Member: Who are they?

Mr. Shikuku: Someone is asking me who they are. If they are going to sit here and make propaganda, and I understand that some of these people in the Kenya Broadcasting Corporation are still imperialists—

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, is that relevant in this debate? Is the Kenya Broadcasting Corporation being discussed here this afternoon, or the conduct of the Press?

The Deputy Speaker (Mr. De Souza): Unless you make it relevant, I think you have already made your point, Mr. Shikuku. I should go on further.

Mr. Shikuku: Thank you, Mr. Deputy Speaker. May I seek your guidance? Is the Minister for Constitutional Affairs in order to have a conversation with other Members while I am on the Floor?

The Deputy Speaker (Mr. De Souza): Please continue your speech.

Mr. Shikuku: The very people who are talking in this House, looking rather jolly and laughing off this issue, are those who told the country that we wanted independence in order to improve their standards of living, to make it possible for them—the Minister for Labour does not seem to know that—to have better standards of living. That is why we fought for the freedom of this country, so that we could improve the standard of living of the people. Here in this Bill, Mr. Deputy Speaker, it does not facilitate this at all. It is completely dictatorial. I feel, for example, if you look at clause 5 (b) which has already been

(Mr. Shikuku) touched on, but I have something else to say, it says that the Minister shall either accept or reject. Here we have been told during Question Time that some of the Ministers have been directors of firms, they no longer are, but their wives have taken over and are acting for them. Take, as an example, if I were the director of East African Breweries and there were—

The Minister for Justice and Constitutional Affairs (Mr. Mboya): You would never qualify to be a director of any company.

Mr. Shikuku: Mr. Deputy Speaker, no amount of heckling from the Minister for Constitutional Affairs will ever move me from this point. I am talking on something which hurts him.

The Deputy Speaker (Mr. De Souza): Mr. Shikuku, if you confine yourself to this Bill, it will be much better.

Mr. Shikuku: Mr. Deputy Speaker, I feel that if a Minister has a wife who is a Director of East African Breweries, surely when there is a dispute in East African Breweries raised by the trade unions representing the workers in that industry, it will be completely useless for the secretary to that union to try and register a dispute with the Minister, because he will automatically reject it, because he has an interest in it, in the name of his wife.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): But we do not have wives like you.

Mr. Shikuku: We have been told, and this is one thing the Ministers must know. The imperialists did the same thing, and the Minister for Constitutional Affairs was one of the people who was shouting at the top of his voice as far as the interests of the workers were concerned. Now that he is the Minister, he goes off and he forgets; he minds his own business and forgets the interests of the people. Whether the Ministers like it or not, the fact remains the workers are going to continue to make it their target, as they did in the past, to get rid of the imperialists, to get rid of them, as far as the rights of the workers are concerned. We may deny it in this House; we may be asked by Parliament or the Whip, to get this Bill through, but the effect of it will be here for ever.

The Deputy Speaker (Mr. De Souza): Mr. Shikuku, you are speaking on this Bill, are you not?

Mr. Shikuku: Yes, Mr. Deputy Speaker.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): He is speaking about our wives!

Mr. Shikuku: Mr. Deputy Speaker, I would only be wasting my time if I came here and talked about the wives of Ministers, some of whom are very ugly indeed.

The Deputy Speaker (Mr. De Souza): I think we had better stop discussing Ministers' wives.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): We welcome this debate, if Mr. Shikuku would like to bring his wife here!

Mr. ole Oloigatip: On a point of order, Mr. Deputy Speaker, is it in order that when a Member is speaking, someone should interrupt him before you give him permission to do so?

The Deputy Speaker (Mr. De Souza): It is not in order.

Mr. ole Oloigatip: There you are!

Mr. Shikuku: I feel that there is no discipline at all this afternoon in this Parliament, particularly as every time I try to speak—

The Deputy Speaker (Mr. De Souza): Mr. Shikuku, if you will keep on making references to irrelevant matters, this will continue. Do not discuss the Ministers' wives.

Mr. Shikuku: Mr. Deputy Speaker, I am not discussing the Ministers' wives. They are trying to put words into my mouth!

The Deputy Speaker (Mr. De Souza): Leave it then.

Mr. Shikuku: As I said, they were ugly.

The Ministers and the Back-Benchers here are out to interrupt and make it impossible for some of us to put our points over.

The Deputy Speaker (Mr. De Souza): Yes, but will you continue speaking.

Mr. Shikuku: Higher wages for the workers, which will improve their standards of living, can never come about as long as this Bill exists. We have been told that this is a Government of the Africans by the Africans, and so forth, but I do not think the workers are going to benefit from this Bill at all. At the same time, Mr. Deputy Speaker, I am told that the labour leaders are in agreement with this Bill. If that is the case, I have the right as one of the people who has been elected to this Parliament to air my views. Therefore, I am not going to be used as a rubber stamp because

[Mr. Shikuku]

some leaders in the trade unions did not see a mistake in this Bill. If hon. Members would only give me a chance and would stop shouting, I would tell them that one thing here is definitely wrong, and that is that the Minister should have the power to reject or to accept. That is wrong. I submit very strongly, Mr. Deputy Speaker, that this is completely dictatorial and I am sure the leaders of the labour movement in this country overlooked it. If they did overlook it, the very workers they represent, and whom we also represent, should be told that this is a mistake and it must be corrected.

The other point is that under clause 10 (iv) it says: "An award shall not contain any provision which is inconsistent with provisions of any written law relating to the terms or conditions of, or affecting employment of labour, and any award containing such inconsistent provision shall have effect as if such inconsistent provision had not been included therein."

The Minister for Labour and Social Services (Mr. Mwendwa): Explain yourself.

Mr. Shikuku: I can hear the Minister asking me to explain myself. I am not reading my speech as he has been doing. I am quite versed on what I am talking about.

Mr. Deputy Speaker, I do not know what can be done about these interruptions, but I think it is completely a waste of time.

The Deputy Speaker (Mr. De Souza): You must learn to ignore some of the interruptions, and stick to the point.

Mr. Shikuku: I think that this is only unfair and can only profit one side.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): On a point of order, under Standing Order 77, is it not proper that you direct the hon. Member to cease delivering his speech. It reads—

The Deputy Speaker (Mr. De Souza): Yes, I know, I think I will give him a chance to finish his speech quickly, but that is not to say I do not agree with the sentiments expressed by the hon. Member, because I do not think you are making any point.

Mr. Shikuku: But, I have had so many interruptions.

The Deputy Speaker (Mr. De Souza): If you continue speaking on your speech, I think you will be able to get ahead, but if you keep speaking on the side, then you had better finish.

Mr. Shikuku: Mr. Deputy Speaker, I feel I must express my views on this issue. First of all, it is completely unfair for the Government in this Parliament and ask the elected people to try and pass a Bill which is going to cause a lot of damage later on. We are not going to spend our money on committees. We have been told, for instance, that a member is supposed to be paid £10 a day and a president £15 a day whenever they sit. This is our money and we feel this money will not be spent if this Bill is not passed or, if the observations which have already been touched upon, are adhered to it will not be necessary for us to spend such large sums of money on this. If this Bill is passed—and I know it is going to be steam-rolled through—there will be a lot of strikes in this country.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Nonsense!

Mr. Shikuku: There will be a lot of disputes and discontent, and this will be detrimental to the prosperity of this country. I am sure the Government will come back and try to amend it and, at that time I hope some people will not take this as a joke, causing a lot of interruptions and not taking seriously what is being said in this House. I am sure we are going to pay for it dearly, because as long as the workers are not given the right to organize themselves, and to ask for better living standards, I do not think we will get anywhere at all. Any talk of confidence will never materialize, so long as the workers are going to be frustrated and humiliated by this very Bill. The Bill is a complete suppression of the freedom of the workers.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, on a point of order, do you not think, Sir, we have had quite a bit of repetition. This same point has been made about a dozen times, I have been counting, and we have had it quite enough I thought.

The Deputy Speaker (Mr. De Souza): I am quite sympathetic as I said earlier in answer to Mr. Nyamweya, and I think I will give you a warning, under Standing Order 77, which reads as follows: "Mr. Speaker, or the Chairman of Committees, after having called attention to the conduct of a Member who persists in irrelevant or tedious repetition either on his own arguments or arguments used by other members in debate, may, after he first warned him, direct him to discontinue his speech." I have warned you before. I am warning you again, that you must make a proper contribution to the debate and not repeat something you have said about five times already.

Mr. Shikuku: I do not think I have been repeating myself, but nevertheless I will accept your ruling. I feel that the whole issue as put here is very harmful to the workers in the country who are part and parcel of this country. We look forward to a better relationship between the workers and the Government, and this can only come about when the workers are dealt with fairly. That can only happen when we look at the pros and cons of this Bill, and this is what we are trying to do now.

I feel that the Industrial Court which has already been explained by the Minister for Constitutional Affairs, where it says: "The President shall be appointed by the Chief Justice", that is all right, but there will be an independent person in that Court, and it is not stated by whom that particular person will be appointed. Such Court—

The Deputy Speaker (Mr. De Souza): It has been quite clearly stated that he will be appointed by the Minister.

Mr. Shikuku: He will be appointed by the Minister, but there are too many appointments right from the investigation level up to this independent court. But this also has not been stated—

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Is not the Member going exactly contrary to your warning? This is a part of the tedious repetition. These are the points made by the Leader of the Opposition, and we are hearing them again, they are made by the hon. Member.

The Deputy Speaker (Mr. De Souza): I do not know if Mr. Shikuku is trying to make a point. Let us hear what he has to say.

Mr. Shikuku: The point I am making here, Mr. Deputy Speaker, is that the independent person should be appointed with the approval of the two parties concerned.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Who is the other party?

Mr. Shikuku: There are two parties, you should know that, better than I.

Mr. Deputy Speaker, I will not go on wasting any more time, but I would like to end by saying one thing. Whether we are in the Opposition or not, it has already been hinted by the Minister for Constitutional Affairs that we people in the Opposition, however much we try, will not be included in the Committees.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I said dwindling.

Mr. Shikuku: We do not want to be included in this, or in any committee at all, but what we are trying to do is to get the right thing for the right people in the country. We are not opposing this Bill, and are not trying to stop this Bill from going through, but we want to get for the workers what they should get; we are not trying to get ourselves included on the committees. But if the Ministers are trying to get a lot of their stooges on the committee, so that they have their representatives included, then they are heading for trouble. So long as the Ministers forget the rights of the workers (just because they happen to become big people in the Government), we feel that, in order to protect their interests, which they have already so far achieved, and forgets the interests of workers, then this very Government will certainly collapse.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): You try.

Mr. Shikuku: We are being told of Socialism. Mr. Deputy Speaker, Socialism can never come about with such injustices as are represented in this Bill. There have been instances here when we were told by the Government that there will be a Socialist Government, a Government of the people. But this Government can never be looked upon as a Government of the people.

An hon. Member, What point, tell him.

Mr. Shikuku: Is there no provision, Mr. Deputy Speaker, where the man who continues to interrupt a speaker can be dealt with?

The Deputy Speaker (Mr. De Souza): Order, Order.

Mr. Shikuku: The Socialist system, which has been taught here, can never be brought about so long as people try to get Bills like this through. Socialism should be in practical terms and not in theory. They tell us about "African Socialism". We do not know what they mean by "African Socialism", but now I know what African Socialism means. The Socialism that the Government is telling us about today is the one, where a few people at the top with interests in private firms, shall pass Bills in this Government which affect the workers. If that is so, then we are in complete disagreement with you. The Socialism that we want is that where each and every individual is given the freedom to ask for more. The freedom to fight for a higher standard of living and get it, and not to be obstructed by confused calculated committees right from the start up to the Industrial Courts.

[Mr. Shikuku]

With these few remarks, Mr. Deputy Speaker, I beg to —

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Absolute disgrace.

The Deputy Speaker (Mr. De Souza): Order, order. Let him finish his speech.

Mr. Shikuku: With these few remarks, Mr. Deputy Speaker, I know other Members will agree with me that this Bill should be passed.

(Interruptions)

I repeat this Bill should be passed, taking into account the views expressed on clauses already in this Bill with corrections. With these few remarks, Mr. Deputy Speaker, I beg to oppose.

Mr. Mutiso: Mr. Deputy Speaker, I rise to support the Bill and, although I do so, I should like to point out that, when the Minister was moving the Second Reading of this Bill, I failed to understand certain things and when he answers to the debate, I hope he will clarify them.

Mr. Deputy Speaker, when we look into the Bill on page 70 where it affects the Military, Naval and Air Forces, including the Prisons and also the East African Common Services Organization, we do not understand or know on what grounds, or through what means, the workers in those Forces can air their grievances to the Government, because although we realize that they fall under the essential services, we witnessed the Army mutiny which, as we were made to understand, was based on certain claims which the Forces felt ought to have been fulfilled and, because there was no machinery through which these workers could air their grievances, the result was that they mutinied. Now, Mr. Deputy Speaker, I would like to know from the Minister what opportunities he has made for the workers in the Forces to air their grievances if they have any. I remember when the Prime Minister was answering this question on the Army mutinies, he categorically refused to see them or even to hear what led to the mutiny. Therefore, we would not like to be dragged in again into such a position whereby our people, because they have no means of airing their grievances, resort once again to revolt. I would like the Minister here to tell us also, why the East African Common Services (as I understand it), Mr. Deputy Speaker, is categorized under the essential services? We would like to know why the Minister classifies the workers in that particular employment under the essential services or why are they not affected by the Kenya labour laws? There are so many

establishments in the Common Services where the workers have different employment, some may be on essential services, but others are not. Now, when we see the Minister covering the whole employment of the East African Common Services under the essential services and we would therefore like him to clarify, when he answers, on what grounds he bases his argument, that these workers should come under the essential services.

The other point, Mr. Deputy Speaker, is the question of appointment of members to the Industrial Court. For many years, the workers in this country have been urging the Government of the day to institute Industrial Courts where they could go and air their views. Whatever grievances they had would be fully heard and fair judgment would be given.

[The Deputy Speaker (Mr. De Souza) left the Chair]

[The Speaker (Mr. Shade) took the Chair]

It is my view that the institution of the Industrial Court in this country is long overdue and I do congratulate the Minister for having taken this opportunity of establishing an Industrial Court, but one thing which I would like to know from the Minister is why the workers are not given a chance of deciding for themselves who should represent their interests in the Industrial Court. I see here that the Minister has the power to nominate or to decide who should represent the workers on that Industrial Court. I feel, very strongly, that the workers are not being given a fair chance, because I believe the leaders of the trade unions are capable of representing the workers in the Industrial Court and, when these powers are left entirely in the hands of the Minister, perhaps the Minister might think of getting someone from outside, from outside the trade unions. I am of the opinion, Mr. Speaker, that it should be stated very clearly that the workers or the trade unions should be given an opportunity to choose who will represent them on the Industrial Court, in the event of a dispute arising. Why I say this, Mr. Speaker, is because I know that the Government is an employer and the Government, being part and parcel of the employer organization, will, perhaps, find it difficult to speak on the wages of the workers, because once a worker feels that his interests are being undermined, it is not possible for him to choose a person or judge who will really sit down and listen to the grievances of the workers; and here I feel that the Government, being part and parcel of the employer organization, should not participate in deciding who should represent the workers on the Industrial Court. We know in the

[Mr. Mutiso]

where the Government, perhaps, takes a more active part in controlling the trade unions, such countries do not have individual firms like the ones we have in this country, and this is where the Government has the opportunity of deciding on behalf of the trade unions, because it controls all the industries and all the factories and everything is specifically cared for by the Government. But, here, in this country, all the firms belong to individual owners and, when the workers are not given the chance to say that so and so will represent their interests in the courts, then I feel that the Government here is not acting very fairly. I think, therefore, that when the Minister stands to reply on this Bill, he should state categorically through what channels the workers will have their views presented to the Government, in the event of a dispute being brought to the Industrial Court.

Mr. Speaker, I am certain that the Government is taking note of what I am saying and I fully agree that they will act very justly so that the workers, whom I know are part and parcel of this Government, will feel that their interests are being taken into account by their own Government. Therefore, Mr. Speaker, I do not wish to take up too much time in the House and, with these few remarks, I beg to support the Bill and I hope the Minister will take into account the few points that I have raised. I beg to move.

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, it is very unfortunate that some of the very responsible hon. Members that we have in this House come here and purport to represent the people of this country without knowing or reading the Bill —

Mr. Shikuku: Question.

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): — which they pretend to be speaking on. Mr. Speaker, Sir, today, we heard a lot from the Opposition which did not amount to much. To begin with, the hon. Leader of the Opposition only repeated himself and wailed—if I may put it like this—and then we had the hon. Member who is second in number, he also repeated what the Leader of the Opposition said, and made no new point. I would like to submit that this Bill is already approved by the workers of this country. They have discussed it at the Labour Advisory Board and, except for one unfortunate mistake which crept into the printing of this Bill, this Bill has the full support of the Kenya Federation of Labour and the Federation of Kenya Employers. The slip up

to which I am referring is in clause 3 sub-section (c) where the employees of the East African Common Services Organization in Kenya are supposed to be excluded from the operation of this Bill. This is an unfortunate printing mistake and we intend to remove it.

Mr. Speaker, Sir, this Bill has been drawn from the experience of people in this country who have been dealing with labour, people who have been handling industrial relations; and experience has shown that, where there is labour legislation which is too slow to operate and which does not give the Government effective powers to intervene to settle disputes, then you have a lot of trouble, there are lots of strikes and dislocation. What this Bill intends to do is to give the Minister for Labour more powers to intervene not only to wait for all disputes to be reported, but to intervene when a dispute is apprehended.

Mr. Speaker, Sir, a lot of people have complained that this Bill is dictatorial. I would like to submit very humbly that these people who call this Bill dictatorial do not know what dictatorship is in the realm of trade union organization.

Mr. Speaker, Sir, this Bill is entirely in line with the International Labour Organization's Convention on Freedom of Association. This Bill gives to trade unions in this country the right to organize, the right to determine what structures the unions shall assume without the interference of anyone. That is the first one.

Secondly, this Bill allows the unions, as representatives of workers, the right to undertake collective bargaining without any interference from the Government or employer.

Thirdly, this Bill does not curb the workers' right to strike. So I would like to ask those people who are shouting "Dictatorship" here, where is the dictatorship you are referring to? Mr. Speaker, Sir, all this heckling is unnecessary.

Sir, this Bill intends to give the Minister more power to deal with disputes effectively. Secondly, this Bill puts the future of the workers into the hands of elected representatives of the workers themselves. Previously, all the powers to process trade disputes were vested in the Labour Commissioner, who was a civil servant, but I think we know better. Our experience is that elected representatives of the people, elected Ministers, will deal with disputes concerning their own people and employers, more effectively, with more power, and with more support behind them than a civil servant. Mr. Speaker, Sir, our experience has shown that for a Minister for Labour just to sit by and only to read about disputes in the Press, without the power to intervene before disputes mature into strikes, is really unnecessary.

[The Parliamentary Secretary for Labour and Social Services]

If we want to prevent the plague of industrial disputes, the Minister must be given power to intervene effectively, to advise where disputes are arbitrated wrongly, to advise where disputes arise only because of personal differences between employers and employees. The Minister must be free to look into these things, and to advise employers and employees that this matter can be settled this way, rather than take it to arbitration, rather than take it to a board of inquiry; this is the way to deal with it. The Minister should be in a position to direct these people. We trust that our elected Ministers are honest enough, that they are knowledgeable enough and sympathetic enough, and that they are so sympathetic that they will not sell the workers to the employers. That is what clause 5 deals with.

I have already pointed out that clause 4 lays down the steps to be followed in reporting a dispute. Again, we have inserted this here because our experience has been this: that certain disputes are reported for very flimsy reasons. This time a dispute would be reported and the facts of the case stated before we start handling it.

Clause 5, as I have already said, gives the Minister powers to intervene, and so on.

Clause 6 lays down the method of conciliation. Previously, we had a system under the old law where a dispute was reported to the Labour Commissioner, then the Labour Commissioner named the conciliator, and our experience has shown that, in most cases, conciliation failed and then the Minister intervened. I think it is only logical that, because we know that that system does not work, we now want disputes to be reported straight away to the Minister. The Minister will name a conciliator and the conciliator, under this section of the Bill, will not necessarily be named from among the civil servants in the Ministry of Labour. We will be free to choose people whom we know command the respect of all the parties, and we will be free also to choose people who are knowledgeable about labour disputes. I think this flexibility is really necessary, and this is what is provided for, mainly in clause 6.

Mr. Speaker, Sir, under the old law, we had several channels for processing grievances. If conciliation failed, the disputes either were taken to a board of inquiry or to arbitration. Experience has shown that not all disputes are amenable to arbitration or inquiry. There are cases where matters in dispute are on interpretation of an agreement signed between the employers and the employees, or on interpretation of the Industrial

Relations Charter. We find that the best solution to some of these disputes is an Industrial Court. Moreover, we think that an Industrial Court would be the final and impartial channel for settling disputes, so that we minimize the impact of strikes.

Those who complain, Mr. Speaker, about the methods of selecting the President and other people who will be serving on the Industrial Court, I think will have had their answer.

I would like to say, Mr. Speaker, that rather than speak so lightly and glibly against this Bill, experience has shown that we need it; experience has shown that we need an Industrial Court. Those who have not been following the developments in our system of industrial relations speak without any background and they mention a lot of irrelevant things which do not really apply here. In order that we may save our system of industrial relations, which is democratic enough, which has worked so successfully, we have to have this Bill. Mr. Speaker, Sir, we are proud of the industrial relations system we have built up so far. It is democratic; it is much better than some of the methods we see being employed in some of the surrounding countries. It gives the workers the right to have a voice in the running of industry.

Mr. Speaker, Sir, I think I have said enough just now and I am sure that, when this Bill comes into operation, all of us will thank this Government for its foresight. We are committed to democracy, not only to pay lip service to democracy; we want functional democracy and this Bill is a good example of what we are committed to.

Mr. Speaker, Sir, I beg to support.

Mr. Agari: Mr. Speaker, Sir, I was going to ask that the Mover be called upon to reply.

The Speaker (Mr. Slade): This is an important matter, but we have had two hours of this debate, and I think it is right now to allow the House to decide.

(The question was put and carried.)

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, before I say anything, I would like to congratulate the Members who have contributed a lot to this discussion. There are a few points which have been raised and, with your permission, I would wish to reply to them one by one, if I can.

If hon. Members will look at clause 3, this is something which I did not mention in my speech, because I intended to move it in the second part, when we were at the Committee stage. We have actually considered this and we have thought of deleting clause 3, but, as I say, I am going to move that at the Committee stage.

[The Minister for Labour and Social Services]

Quite a number of Members from the Opposition side have accused me of taking powers and becoming a dictator, but if they could only look at clause 5 and read it carefully—I hope they understand English, Mr. Speaker—they will see the powers and the way I, as a Minister, am going to deal with the situation. In fact, clause 5 covers the whole Bill if it is read properly, and I do not think Members intend to ask me to read the whole Bill. I could, and explain it exactly to them. If they look at (a), it says—If you want me to teach you English, come outside and I will teach you English; I used to be an English teacher. Mr. Speaker, that clause explains exactly the procedure which will be followed and it is likely to take all the power from me and give it to the court. For example, if you look at (b), and with your permission, Mr. Speaker, I think I had better read it.

Mr. Oloitiptip: On a point of order, Mr. Speaker, is it in order for the Minister to read this to the Members when it is already there in the Bill?

The Speaker (Mr. Slade): Yes, if he wishes to.

The Minister for Labour and Social Services (Mr. Mwendwa): It is important, Mr. Speaker, that we read this and explain it to hon. Members so that they understand it. It says in (a):—

"inform the parties that any of the matters over which the trade dispute has arisen or is apprehended is not suitable to be dealt with under this section;

"(b) inform the parties that he accepts—that is me—or rejects the report...". That, Mr. Speaker, is the part where hon. Members have been stopping. They have not been reading on to see what it says at the end. It goes on:

"... of the trade dispute, having regard to the sufficiency or otherwise of the particulars set out in the report, or to the nature of the report, or to the endeavours made by any of the parties to achieve a settlement of the dispute, or having regard to any other matter which he considers to be relevant in the circumstances;

"(c) refer the matter back to the parties and, if he thinks fit, make proposals to the parties or to any of them upon which the settlement of the trade dispute may be negotiated." This, Mr. Speaker, without going any further, explains exactly the procedure through which I have to go. It does not give me dictatorial powers; in fact the whole matter is left to the court.

Mr. Speaker, let me now move on; I do not want to go through all the remarks because some of them do not have anything to do with this. With reference to clause 9, Mr. Speaker, the hon. Member for Yatta said, and here I agree with him entirely, that the workers or the employers should be consulted when this court, whose Chairman is going to be the President appointed by the Chief Justice, when these members are appointed. However, this is exactly what it says in the clause. It says, if they look at it, "... at least one shall be a person representing the workers." It says, "that at least one shall be a person representing the employers and at least one person representing the workers." Who, Mr. Speaker, is doubting this? We do not want to bring administrative details here. I write to the Kenya Federation of Employers and they nominate the person. All that I do is to announce the name and yet you say that they are nominated by the Minister! They are not nominated by the Minister; the Minister simply announces who the person is. But some of these Members are ignorant. They want included in the Bill something to the effect that the Minister will write a letter to the representative of the Kenya Federation of Labour and so on. This cannot be included in the Bill. Therefore, Mr. Speaker, we have taken the step to see that the workers and employers are brought into the picture. In fact, I wonder if we speak in this House just to let the people know that we speak. Mr. Speaker, I have brought with me here a document; I have a document relating to this Bill, signed by myself, on behalf of the Government; by Sir Colin Campbell, on behalf of the Employers; Mr. Phillip Munde, President of the Kenya Federation of Labour; and Mr. Lubembe, the General Secretary of the Kenya Federation of Labour. What else do these people want?

Mr. Shikuku: Is the hon. Member in order to refer to hon. Members on this side as "these people"?

The Speaker (Mr. Slade): No, he is not. They are hon. Members.

The Minister for Labour and Social Services (Mr. Mwendwa): What are these hon. Members talking about?

The Speaker (Mr. Slade): I expect our older hon. Members to set an example to other hon. Members by calling them "hon. Members".

Mr. Masinde: Will the hon. Minister give way?

The Minister for Labour and Social Services (Mr. Mwendwa): No, please, Sir, although I would never be rude.

Mr. Agar: Is it in order for the hon. Minister to give the names of the signatories to the letter whose contents we do not know? We do not know the contents of that letter, so how do we know what they have agreed to?

The Speaker (Mr. Slade): That is a good point of order, Mr. Agar. The practice is that if hon. Members wish to refer to documents in this House they must be prepared to make the documents available for hon. Members to read. I assume Mr. Mwendwa, that you are willing to lay a copy of that document in the library? If you would do that, it would satisfy the House.

The Minister for Labour and Social Services (Mr. Mwendwa): If you wish it, I will put it there today, Sir. Mr. Speaker, I thought it was important, and it is really important, to show the House that this Bill has come here through the agreement between the Government, the employers and the employees. I think it is very important, Mr. Speaker, that the Members should know this, because this agreement is between all the representatives. This Bill has been brought here as a part of the agreement between the Government, the employers and the employees, and it is a part of the unemployment scheme which the hon. Members here supported, and this is one part which the Government was asked to play by the employers and the employees. They said that they were not going to be a party to an agreement not to go on strike, or to a wage freeze, if we did not establish an Industrial Court. So we promised them we would do so. We told them we knew that, when we brought this view to the hon. Members, they would realize the position, they would want to put people into employment. So, Mr. Speaker, I think it is important for me to point this out to hon. Members, because they may be studying without knowing the essential background, which is so very important. The Bill is a part of the unemployment scheme and is one of the things which we agreed to carry out.

Now, Mr. Speaker, one Member said that he feels that the police—this is clause 3, Mr. Speaker—the military, the navy, the air force and the police, including the Tribal Police, are not actually covered in this Bill. This is true, Mr. Speaker, they are not covered by it. But I think the hon. Members also know that the police and the army are not members of the Kenya Federation of Labour at all. They do not have a union which is affiliated to the Kenya Federation of Labour. But there is proper machinery which is being followed for the police and the army to air their grievances and this machinery cannot be included in this Tripartite Agreement. However, clause 3, as I have said,

is going to be amended. Mr. Speaker, hon. Members will be told of this machinery when the Bill comes to the Committee Stage, and it is coming soon, as soon as possible.

Therefore, Mr. Speaker, with these few remarks, I beg to move.

Mr. Odjaya: I have a point of information, Sir, for the Minister.

The Speaker (Mr. Slade): No.
(The question was put and carried)

The Speaker (Mr. Slade): You do want the leave of the House to take the Committee Stage now, Mr. Mwendwa? As I have said before to hon. Members, Standing Orders require that every stage of a Bill be taken on a different day unless the House gives leave otherwise, and giving leave means that no hon. Member objects. I therefore inquire whether any hon. Member objects to taking the Committee Stage of this Bill today?

If no hon. Member is objecting, we will take that stage now.
(The Bill was read a Second Time and, by leave of the House, was committed to a Committee of the whole House today)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

(The Speaker (Mr. Slade) left the Chair)

IN THE COMMITTEE

(The Deputy Chairman (Mr. Slade) took the Chair)

THE TRADE DISPUTES BILL

(Clause 2 agreed to)

Clause 3

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Deputy Chairman, the Government, having considered very seriously clause 3, subclause (c), has decided that it should be deleted. I therefore propose the deletion of subclause (c) in clause 3.

(Question of the amendment proposed)

Mr. Masinde: Mr. Deputy Chairman, Sir, could we be told that the union concerned with the East African Common Services Organization is also a part of the Tripartite Agreement and of the business of setting up this negotiating machinery? Also, what about those unions which are not affiliates of the Kenya Federation of Labour?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Deputy Chairman, I feel it would be right for the Members to know that I nearly took us two months to come to this decision and we had representatives of all the unions who were not affiliated to the Kenya Federation of Labour. Therefore, they actually, as it were, gave them—

(The Deputy Chairman (Mr. Slade) left the Chair)
(The Chairman (Mr. De Souza) took the Chair)

Mr. Chairman, having actually agreed that they should read the Bill dealing with disputes, we gave them the copies of the Bill, and they took about two months to come and report back that they were agreeable to each term. Unfortunately, in the signing of the Agreement, all the other small members actually gave it over to representatives of the Kenya Federation of Labour for signature, because it would have been a bit clumsy to have signatures all over the place. So I assure the Member that every single union, no matter how small it was, was consulted.

Now, as regards (c), Mr. Chairman, this is something which we overlooked, because of one thing: we thought that the East African Common Services was not a part of the Kenya Labour Organization which was a mistake on our part. We found out afterwards that the people working in East African Common Services, when they go on strike, the strike is always settled here. Uganda will never come to Kenya to help us to settle the strike. Then we thought that they should be taken on an equal basis with all the people working here, that is why we propose to delete that. I think that the hon. Member will agree with me.

Mr. Masinde: Mr. Chairman, Sir, also on that aspect, before the Bill was introduced to the House, there was a reaction from other trade unions who said that they were not part and parcel of the Agreement. I do not know what steps Government is taking about this.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, I think the hon. Member knows that the Government will never, at any time, act like unionists. We do not take, for example, trade newspapers to be the proper medium of passing our information. But we know quite well, whether they like it or not, everybody who took part in this Agreement and who was at our meetings (we have a full record) so if anyone goes outside this Agreement he will be dealt with.

Mr. Gichoya: In view of the fact that the Agreement which the Minister is referring to here implies financial commitments, if it is to be

made effective at all, do I understand that the Kenya Government is going to foot the Bill for the quota of the extra 15 per cent of the people who are going to be employed under the terms of the Agreement? If so, what is their status in regard to Uganda and Tanganyika, who are part and parcel of the East African Common Services Organization?

The Chairman (Mr. De Souza): I do not think that has got anything direct to do with this Bill, but the Minister for Health—

Mr. Shukuku: I feel that the argument involves employment, and employment involves financial commitments: in other words, the employer must pay the employee. Now the East African Common Services Organization is a body consisting of Kenya, Uganda and Tanganyika; in other words, they are not governed by the laws of Kenya only, but by the laws of East Africa. If the Organization is governed by the laws of East Africa, is the employment of 10 per cent or 15 per cent extra workers going to involve the three territories or the three free States, or just Kenya?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, although I do not think this is really relevant, I think I should enlighten the hon. Member so that he knows exactly. Although we say that services which are organized—I will use the word "organized" in connexion with the East African Common Services—affect the three territories, but you must understand any cheque paid by the man in Nairobi, whoever it is, whether it is the Postmaster-General or anyone else, it affects only Kenya as it were; the Kenya people have their own budget which has nothing to do with Uganda Government as it, also, has its own budget. Although there are services connecting the East African Common Services, each territory has got its own budget. I think you will agree with me.

Now, therefore, our agreement to taking on 15 per cent has nothing to do with Uganda. We are only concerned with asking the Minister who is in charge with the East African Common Services Organization, to find enough money to employ an extra 15 per cent. If I may inform the hon. Members, they have agreed, the Minister who is concerned with these services, has said that they are part and parcel to this Agreement. Therefore, I think—

Mr. Anyika: Mr. Chairman, Sir, the big companies, e.g. the East African Tobacco, do not have work for the 10 per cent more workers they are employing. So, the people they employ are

[Mr. Anyieni]

paid by Tobacco, but do not work for Tobacco. So what guarantee is there to make sure that after one year these people will not be discharged?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Chairman, I would like your ruling on this. It appears that the reason for the Tripartite Agreement and this clause has nothing whatsoever to do with the Trade Disputes Bill, and I would like your ruling as to whether it is not completely irrelevant.

The Chairman (Mr. De Souza): Yes, I think it is completely irrelevant. It is all right as an explanation, but I think, this is irrelevant, certainly in the Committee Stage of the Bill. I will not allow any further questions dealing with clause 3 as to whom the future Industrial Court shall apply; nor shall we discuss the question of the details of the Tripartite Agreement.

Mr. Shikuku: On this section 3 (c) of course, when the Minister says that he is deleting it and thus automatically including some of the services that are on an East African basis, namely the East African Railways and Harbours, (who, I understand, were not a party to the present Agreement) is he not going to assure us that he will get in touch with these people since they are not a part of this Agreement?

The Chairman (Mr. De Souza): I have just said, Mr. Shikuku, if you listened to what I said, that the Tripartite Agreement is not relevant directly in the discussion on this particular Bill. This is a Bill that applies to and establishes an Industrial Court for trade disputes generally throughout Kenya. This is not the occasion to discuss, in detail, the aspects of the Tripartite Agreement.

Mr. Oduya: Mr. Chairman, Sir, on a point of order, is the Tripartite Agreement not relevant to what we are discussing today?

The Chairman (Mr. De Souza): Yes, that is quite true, but I will not go into a detailed discussion. When discussing this Bill, we shall not use this opportunity to discuss the whole labour situation and the Tripartite Agreement today. We are merely discussing the Bill as it stands, and hon. Members are free to discuss different aspects of it from a general point of view and not to go into the details of the Tripartite Agreement at this stage. One can discuss it at other stages; you can move a substantive Motion to that effect, but we cannot use this particular Bill to go into the details of that Agreement.

Mr. Masinde: On a point of clarification, would it be in order if the House had the Agreement

as it stands, so that we knew our position when we pass this Bill, because it appears it has much to do with the Agreement and, in any case, we are not acquainted with some of the matters which affect this Bill.

The Minister for Labour and Social Services (Mr. Mwendwa): On a point of order, I think it is better form to enlighten the Members here. The Tripartite Agreement has very many clauses. This one is only a section. There may be another Bill coming for another section. For example, if the unions do not honour the Agreement, then they go on strike. Today, we are dealing specifically with trade disputes, which is only part of the many agreements.

The Chairman (Mr. De Souza): In that case, with this clarification, I withdraw my ruling, because if the Minister says that this Bill is, in fact, part of the Tripartite Agreement, then, of course, I think we are entitled to discuss it.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, I—

The Chairman (Mr. De Souza): You have just said that this is a whole section of the Tripartite Agreement.

The Minister for Labour and Social Services (Mr. Mwendwa): It was agreed by the employers, employees and the Government that, in order that we should agree on the many points we must bring in a Bill to institute an Industrial Court. I think that is clear, Mr. Chairman, and that is the reason which forced the Government to bring this Bill. All that I am saying is this: the Tripartite Agreement has many clauses which have nothing to do with this Bill.

The Chairman (Mr. De Souza): Mr. Mwendwa, you now say that this Bill has nothing to do with the Tripartite Agreement? I think the hon. Minister did say quite distinctly just now that this Bill is one of the sections of the Tripartite Agreement. If that is so, Members must be allowed to refer to the Agreement itself.

The Parliamentary Secretary for Labour and Social Services (Mr. Odoro-Jowi): On a point of order, Mr. Chairman, the Trade Disputes Bill before the House repeals the Trade Disputes Act which we have on the books now. Mr. Chairman, this Bill has nothing to do with the Tripartite Agreement. It is a Bill that sets up a new system and a new machinery for dealing with disputes. It will go on well beyond the one year period during which the Tripartite Agreement will be working. The only place where it touches on the

[The Parliamentary Secretary for Labour and Social Services]

Agreement is that one of the clauses of this Tripartite Agreement says, "On the part of Government an Industrial Court will be established forthwith to which all disputes will be referred for arbitration. The awards of the Court will be final and binding during the period of the Agreement".

The Chairman (Mr. De Souza): Let me give my ruling on this point. Having now heard the clarification of the hon. Parliamentary Secretary, I think it is quite clear that, although this Bill was bastened by the Tripartite Agreement, I feel that this is not the occasion to discuss the details of the Tripartite Agreement and, therefore, I rule out any questions on details of the Tripartite Agreement, other than those that are immediately and directly affected by the Bill.

Mr. Oduya: On a point of order, is it not in order for this House to ask for details of the Agreement, in order to allow us to go through the Bill, clause by clause?

The Chairman (Mr. De Souza): The ruling is quite clear. You can ask for details at another stage, but we cannot, at this stage of this Bill, go into a full dress debate on the Tripartite Agreement.

Mr. Anyieni: Mr. Chairman, the Minister said that those who get out of this Agreement will be dealt with, and those who contravene it will also be dealt with. The Parliamentary Secretary has also said that the only section which affects the Tripartite Agreement is the one which deals with the setting up of an Industrial Court. We are at sea, because we would like to know from the Minister whether—supposing this Bill did not go through—the Tripartite Agreement would be implemented, because last time we were discussing it we were told that if we oppose this Bill, the Tripartite Agreement would not be able to work. We are supporting this Bill so that the Tripartite Agreement may be implemented. If that is the implication—the wording of this thing is so clever, but I also know that, in the past, the trade unions and the Government and the employers had agreements of their own. We would like to know whether these unions have anything to do with the Tripartite Agreement because, if they have anything to do with it, we would like to know about it.

The Chairman (Mr. De Souza): I would like to make it quite clear that while we can discuss the Tripartite Agreement so far as it concerns the

Bill directly, we cannot go into the details, for example, Mr. Gichoya was asking as to the matter of promotion of the ten per cent and things of that sort. That is going completely out of the scope of this particular Bill.

Mr. Anyieni: Mr. Chairman, could you assure the House that this Bill has nothing to do with the Tripartite Agreement?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Chairman, can the Members know what court is being referred to, because according to the interpretation clause of this Bill, it is the Industrial Court, but they keep on saying "courts". Were they referring to the Industrial Court? If it is "courts" and not Industrial Court what are we to understand?

The Chairman (Mr. De Souza): The Bill makes specific reference to the Industrial Court. Maybe an hon. Member would like to answer that question.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): "Industrial Court means Industrial Court established, etc." We keep on referring to "courts".

The Parliamentary Secretary for Labour and Social Services (Mr. Odoro-Jowi): This is the Industrial Court that we are referring to.

Mr. Shikuku: I thought one of the hon. Members did raise a question to the effect that we should receive an assurance from the Minister that this has nothing to do with the Tripartite Agreement.

The Chairman (Mr. De Souza): I state quite clearly, that the Minister does not have to reply or give an assurance every time he is asked. He is at liberty to reply in such a way that he wants. There is no obligation on his part to give an answer. When a question is asked, the Minister can reply if he wishes to reply.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I think the points raised by the Parliamentary Secretary for Health and Housing raises an interesting drafting point. I think he is referring to interpretation clause 2 which refers to the Industrial Court established under section 9 of this Act and includes division thereof. Section 9 establishes the Industrial Court, and I think I understand him to suggest that perhaps clause 2 should have referred to "courts", not Industrial Court, meaning the Industrial Court established under section 9. It would then be relevant and logical in the other sections to refer just to "court" which would then be interpreted as Industrial Court established under section 9.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): You are quite right.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): It appears that we will have to look quickly at subsection 2 and delete reference to the word "Industrial" in the interpretation, on page 70. Perhaps an amendment would be necessary. By deleting the word "Industrial" and retaining the word "court", "court" would then mean the Industrial Court established under section 9 in this Act.

The Chairman (Mr. De Souza): You will then be in trouble because in some cases it does say "Industrial Court".

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I know that, but it is a matter which, in my view, does not alter the substance of the Act itself which I agree requires cleaning up a bit. We will certainly endeavour to do this.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I am quite satisfied now, Mr. Chairman.

Mr. Masinde: Mr. Chairman, Sir, we are still on clause 3, that is: persons to whom this section does apply or does not apply. The case here is very important with regard to the Tripartite Agreement. The Chairman has given a ruling that we should not pursue this case, but there is a point on manoeuvring which requires clarification. At the time of the introduction of the Bill, we were told that it had to go through quickly because it dealt with employment relief. The Minister has also stressed that this Bill is to give effect to employment relief. The Minister has told us that it is not possible to go through the whole long Agreement, and we would, therefore, like to know what is the background of the whole Agreement before we pass on to other matters.

The Chairman (Mr. De Souza): We must get this clear, because we are obviously getting on to an irrelevant discussion. We are, at the present moment, discussing an amendment with the hon. Minister that clause 3 (c) be deleted, and we must confine our discussions to clause 3 (c) and not discuss, at this stage, the Tripartite Agreement. I think it is quite clear that we have to discuss that particular point alone.

Mr. Shikuku: Mr. Chairman, I do remember asking whether the East African Railways and Harbours was included and the Minister nodded his head. The East African Railways and Harbours

is a part of the East African Common Services Organization and, if that is the case, in view of the fact that the East African Railways and Harbours did not take part in the discussions which they have also denied, what is the Government going to do about that?

The Chairman (Mr. De Souza): I think your question has been asked and the Minister can now reply.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, I state quite clearly that the East African Common Services Organization is included in this Agreement. That body was taken into our confidence, and we discussed the terms of the Agreement with them. It was included in the Agreement.

Mr. Kamau: On a point of order, Mr. Chairman, we noticed that when the Minister requested us to take this clause, he raised a point which he read from the Tripartite Agreement. I would request him to tell the House whether the document from which he was reading and which was signed by several members from the Common Services Organization contained this particular clause, because if we are going on to delete this clause and then find it is contained in the document, we shall be in a muddle.

The Chairman (Mr. De Souza): This is not a point of order, Mr. Kamau.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, Sir, I think it would be useful to explain that, in the present arrangement in East Africa, the East African Common Services Organization Administration, on the subject of territorial legislation in the matter of labour laws and trade union activities, that there is no East African Common Services legislation on labour matters. Each of the Administrations in each territory is governed by the laws which exist in that particular territory. Consequently, the Railways, the Post Office, the Meteorological Department and the East African Airways, in the matter of trade disputes and labour laws, are part of the Kenya industrial set-up. They are, therefore, included, and not excluded, and this is the purpose of the amendment which would delete subclause (c) from clause 3.

Mr. Shikuku: What about the East African Railways and Harbours?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, Sir, I think it has been ruled in this House, and the hon. Member was here, that we were not going to be

(The Minister for Justice and Constitutional Affairs):

governed by what somebody is reputed to have said in the Press. The East African Railways and Harbours Organization is subject to the laws of this country. They have no exemption from them.

Mr. Shikuku: Arising from the explanation given by the Minister for Justice and Constitutional Affairs, I feel that the Ministry should tell us that, since the Railways and Harbours were a party to this, they will deal with these people who are pretending not to be a party to this. The Government will surely deal with this matter?

The Chairman (Mr. De Souza): This is not part of the discussion on the Bill, Mr. Shikuku. I said quite clearly that we ought to confine ourselves to a proper discussion of the Bill, and the Bill says that the Industrial Court will not apply to subsections (a) and (b). We are now asking the question of amendment to remove subclause (c) from the Bill. We do not want to get into further discussion on what the Government will do on a case of administrative policy.

Mr. Anyieni: Mr. Chairman we are dealing with the point raised and the firm ruling given thereon. The full pattern of the Tripartite Agreement is written on behalf of the employees, the employers and the Government. What we are discussing here is part and parcel of the Agreement on the part of the Government. There is some subsidiary legislation following that Agreement which, when we have approved this Bill, will be incorporated automatically in the Bill. Mr. Chairman, the subsidiary legislation goes on to say that it will discourage splinter groups which come within the ambit of this Agreement. I hope you will not rule this out of order, but we would like to know what will happen to these splinter groups.

The Chairman (Mr. De Souza): I am sorry, I have ruled it out of order, Mr. Anyieni. I made it quite clear that the question of splinter groups was not relevant. I have made this particular point many times, and we are not going to discuss the whole Tripartite Agreement here, except in so far as it affects or is affected by this particular Bill. You can discuss the Tripartite Agreement any time the House brings it up again. It is a separate issue. We are, at the present moment, discussing the Trade Disputes Bill, and we must confine our discussion in Committee Stage to this Bill. We cannot possibly go and discuss matters which are outside the scope of this Bill at this particular stage. I am afraid that question is out of order.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I think it is fair to the Members who have raised this point to explain a little further what the position is. Whereas it is true that the Agreement did call for certain steps to be taken, and whereas the Trade Disputes Bill—the new Act we are now trying to get—is, to some extent, related to those various steps which ought to be taken to provide for the facilities required by the Agreement, I think what might be confusing here is the impression, perhaps, that this Act, by itself, is inclusive of all the legislative measures which need to be taken in order to implement the whole of the Agreement. For example, the question of splinter groups, to which the hon. Member has referred, would not, in any case, be affected by this Trade Disputes Act. The question of splinter groups would only arise of and when the Government introduced a measure to amend the Trade Union Act. It is through the Trade Union Act that you register the different trade unions, and it is only through that Act that you can either control or determine the registration of splinter groups. So it does not arise so far as arbitration and negotiating machinery is concerned. I do not know whether that clarifies the position any further, but I think there is a confusion that perhaps this legislation is all inclusive. The fact is, it is not, and it will not, in any way, affect the registration of unions as such, which is a different matter and which is dealt with under another Act, the Trade Union Act. This merely deals with the Trade Disputes Act and is another and different Act.

Mr. Masinde: Mr. Chairman, I think the position is getting worse instead of better, because the problem is that we have been given a Bill to pass and we are trying to do it with good will. When the Parliamentary Secretary was trying to introduce this Bill, we asked to be given a chance to study all the other problems which were involved. However, the preliminary stage was dealt with outside by three organizations, the employers, the workers, and so forth. You, Mr. Chairman, have ruled that we cannot debate the Tripartite Agreement separately. If we find there is something wrong in the Tripartite Agreement, which will necessitate us amending this Bill, we shall already have passed it. What will be our position? Will it mean that we can recall this Bill for amendment?

The Chairman (Mr. De Souza): Mr. Masinde, I see your point, and, in a certain sense, I agree; I have a lot of sympathy with your point. However, the question is this, and I think hon. Members of this House must accept this, that if hon.

[The Chairman]

Members did want to discuss the Tripartite Agreement; that should have been done on its own merits at a separate time. We are now at the Committee Stage, discussing an amendment to clause 3 (c), in other words, the deletion of clause 3 (c) of the Trade Disputes Bill. We cannot, on the amendment of this clause, discuss the whole Tripartite Agreement. It is not within Standing Orders; it is not relevant to the amendment we are discussing at this stage. I am afraid I cannot allow a debate on the Tripartite Agreement at this stage.

Mr. Anyien: On a point of order, I want your ruling on this or your final clarification. You have referred to clause 3 (c), which concerns the East African Common Services Organization. Is that the only point we are discussing now, and after this shall we discuss other clauses?

The Chairman (Mr. De Souza): Yes, of course. That is what I have told other Members; they are not to try to discuss anything else.

(The question that the words to be left out be left out was put and carried)

(Clause 3 as amended agreed to)

Clause 4

Mr. Omweri: Mr. Chairman, Sir, clause 4 deals with a trade dispute, but there is a point there which I wanted to make. I want to ask the Minister to clarify certain things for the House and for myself. This Bill deals with the treatment, but it does not deal with the causes. I do not know whether the Minister has any provisions, or if the Ministry is trying to find out the causes of all these disputes. Here we are only given a Bill which deals with the treatment of disputes, but there is no clause in which we are told that we as a Government are endeavouring to stamp out or to eliminate, as much as we can, these disputes which come up time and again. I thought the best way would have been to include a clause whereby the trade union and the employer could be given guidance as to how they should run their organizations with mutual understanding, rather than to wait until they are in dispute. Then we come in and give our judgement.

The Chairman (Mr. De Souza): I think I must make this clear to hon. Members of the House. Debate on policy, on the general principles of a Bill, must take place on the Second Reading or on the Third Reading. One cannot have debate on the general principles or policy of a Bill during the Committee Stage on a particular clause. We can only discuss general policy or general amendments of that nature on the Second

Reading, and the Third Reading. At this stage we are only discussing clause 4, and hon. Members can ask questions or seek clarification on particular aspects which are affected by that particular clause. They cannot use this opportunity to go around-back again, as it were, to the Debate which should have taken place, or did take place, on the Second Reading of the Bill. Hon. Members have an opportunity again, at the Third Reading of this Bill, to come back to items of policy, items of general debate, but on the discussion of clause 4, we must confine ourselves to clause 4.

You must understand, Mr. Omweri, I appreciate that you possibly have not quite understood and I know that it was not intentional, but your question must be left now to the end of the Third Reading. When the Third Reading is being discussed, hon. Members do not often take advantage of a Debate at the Third Reading to put forward suggestions on general policy, but they can do so. However, you cannot raise policy matters on the discussion on clause 4.

Mr. Omweri: Mr. Chairman, are you trying to guarantee that I can make that suggestion at the Third Reading?

The Chairman (Mr. De Souza): I am only advising you that, when the Third Reading of the Bill comes, very often and in normal cases, hon. Members do not take advantage of the Third Reading to have a general debate again, but they are entitled to do so. If you want to raise policy matters and have a general debate, you are entitled to do so at the Third Reading of the Bill, but not at the Committee Stage. I hope you understand that.

Mr. Omweri: There is another point which I would also like to be clear. We have passed the Second Reading; this is the Third Reading is it not?

The Chairman (Mr. De Souza): No, no, we are now in Committee going through the Bill clause by clause. You may make suggestions and seek clarification on particular aspects of each clause, not on the general policy of the Bill. Otherwise we would be debating this question *ad infinitum*; we would be going back and forth to the same subject again. You now have to confine yourself to the particular specific provisions which are contained in clause 4 and nothing else. We are now in the Committee stage.

Mr. Masinde: Mr. Chairman, Sir, I want to know from the Minister something on clause 4 where it deals with the reporting of trade disputes. Under this clause, I see the possibility of

[Mr. Masinde]

trade unions solving the problems of disputes with the employers within industry without reporting the matter to the Ministry; but here it appears that even a shop steward, with his very minor problems in the industry, will have to report them to the Minister. Is that what is intended by this clause?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, this clause deals with and explains the method in which disputes should be reported to the Minister. How the Minister should deal with the matter, when it has been reported, is dealt with in clause 5, if the hon. Member can only read. There it explains how the dispute can be reported. Anybody, a trade union or even single member who has not joined a union, can report a dispute to his employer. That is all.

Mr. Masinde: Mr. Chairman, Sir, is the Minister now intending to make the minor disputes within the industry look big so that there are lots of files? A shop steward could solve minor differences within a given industry, but does he now have to write to the Minister to say that there is a dispute here?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, this is not compulsory. It is not compulsory that everybody must report a dispute. It is permissive only; it lays down the facility. The organization within a union, as to which of their members should do so or at what stage they should report a dispute, should be left to themselves and the employers. I do not think the House wants us to force a union into thinking that only their national general secretary, only their president, may report a dispute. I think the unions, in their own intelligent and responsible way, will organize how best they should report a dispute. We must give them the credit to be able to decide which is the best way to handle their dispute. Additionally though, it is necessary to state that this legislation is only to assist where the voluntary machinery breaks down. There already exist written agreements between the unions and the employers which they will exhaust before they reach this stage; at least, that is what we hope will happen, because we do not want to have legislation forcing them to go to the Government on every petty little dispute. There is no intention of encouraging petty disputes. There is no intention, on the other hand, of discouraging people who genuinely feel aggrieved from using the machinery which is provided. We are trying to facilitate this.

Mr. Masinde: Mr. Chairman, may I know, in regard to reporting disputes, what happens about employees who do not belong to any union? Will this clause be used to report a dispute between them and the employers?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, if the hon. gentleman had listened to the Minister for Labour and to me, I am sure he would have known the answer to that question. The answer is very simple: in this country, any worker is free to join a union or not to join one. If he does not join a union, he has access to the Labour Officers and to the Labour Commissioner and to the Minister to air his grievances. We have never stopped anyone from doing so, but we know that every worker in this country is intelligent enough to know that to try and handle all these disputes individually and single-handed will not help him. Therefore, most of them, if not all of them, will try to work through their union.

(Clause 4 agreed to)

(Clause 5 agreed to)

Clause 6

Mr. Gichoya: I want clarification on whether the Minister, under this Act, has the right to withdraw or temporarily to suspend the operation of the machinery of conciliation which has already been stipulated above?

After suspension or withdrawal of what the Parliament has stipulated where should the workers go then or are they being left completely neglected?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, this clause must be read. If you cannot read a little, what can we do?

Mr. Shikuku: On a point of order, Sir, is the Minister replying on behalf of the other Minister?

The Chairman (Mr. De Souza): Mr. Shikuku you have been told a dozen times in this House that the Government can choose any Minister to reply on behalf of the Government, and please do not raise this point of order if you also want to stay in this Chamber.

Mr. Masinde: On a point of order, Mr. Chairman, is it in order for the two Ministers to stand at the same time to answer a question?

The Chairman (Mr. De Souza): Please confine, Mr. Gichoya.

Mr. ole Olotipiti: On a point of order, Mr. Chairman, are we to understand that the Government can choose any Minister to reply, when the Minister concerned it here, and not away, to reply on his behalf?

The Chairman (Mr. De Souza): Mr. ole Olotipiti, I think I gave my ruling to that question just now, and I think your point of order is fraudulent and impertinent, kindly leave the Chamber.

(Mr. ole Olotipiti withdrew from the Chamber)

Mr. Omweri: Mr. Chairman, I think I want to seek your guidance.

The Chairman (Mr. De Souza): Is it a point of order?

Mr. Omweri: I want to seek your guidance whether this is not an indication that the Minister for Labour and his Parliamentary Secretary confuse the Members on this side by contradicting the Motion and now the Minister for Justice is trying to correct him?

The Chairman (Mr. De Souza): I am afraid I have just asked Mr. ole Olotipiti to leave the Chamber on exactly the same grounds, so I must ask you to leave the Chamber too. You know that this is not a point of order, and you know very clearly it is meant as an opportunity to attack somebody under the guise of a point of order.

(Mr. Omweri withdrew from the Chamber)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I think hon. Members should not be so unfair. After all, it is my job in the Government to take care of the drafting of all Bills that come before this House. Therefore, it is my job in the Government to ensure that the drafting of the Bills and the interpretation of all the clauses which are put in this Bill are taken care of. I can speak on any Bill which comes before this House at any time.

I have forgotten the point which was raised, could the hon. Member repeat it?

Mr. Gichoya: It is very fortunate that the Minister has the right to reply to my problem. It was not actually being asked of him. Nevertheless, I will make it very clear to him so that I get some clarification.

It is clearly stated in clause 6 (2) "Subject to subsection (1) of this section, the Minister may, in relation to a trade dispute so reported, or in relation to any issue in such dispute, from time to time and as he deems expedient, take any one or more of the following steps". Mr. Chairman,

I am now coming to the point of "any one or more". In other words, the Minister has the right to decide which one to take, all of the steps or one of the steps.

My fear is, suppose my Minister decides immediately to take (d) below, instead of taking (a), (b), (c) —

(a) appoint any person (who may be a public officer or any other person considered by the Minister to be suitable) to act as a conciliator; or

(b) appoint a conciliation panel consisting of an independent chairman (who may be a public officer or any other person considered by the Minister to be suitable), and of one or more persons selected by the Minister as being representative of employers and an equal number of persons selected by him as being representative of workers; or

(c) refer any matter, with the consent of the parties, to a conciliation panel composed in accordance with the wishes of the parties; or

(d) withdraw or temporarily suspend the operation of any of the aforesaid conciliation measures . . .

Where would the parties concerned take their cases or what would the position of the workers be? Would they not be in a vacuum completely? That is the clarification I wanted to get from the Minister.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, if you read the whole clause, you will note that, before you come to clause 6 (2), there is clause 6 (1), and you cannot take clause 6 (2) in isolation of what might be done under clause 6 (1). Secondly, it is not a true interpretation to suggest that the Minister would have acted under (a), (b) or (c) and simultaneously act under (d). Secondly, if conciliation is withdrawn or suspended, it means further action is going to take place. If it is withdrawn, it may mean that conciliation has failed and, therefore, the next stage is ready to be taken, which is arbitration. So it does not mean that conciliation is just one of the steps on the road to arbitration and, beyond arbitration, to the Industrial Court.

Mr. Shikuku: With regard to clause 6 (2) (a), where it is stated that the Minister "appoints any person (who may be a public officer or any other person considered by the Minister to be suitable)

Mr. Chairman, I wanted to have a clarification from the Minister what he really means here. A public officer may be anybody, but what does

(Mr. Shikuku) by saying that any person is suitable? Is it suitable in industrial affairs or just someone the Minister feels is suitable?

The Minister for Labour and Social Services (Mr. Mwendwa): I think the answer is clear to hon. Members. I have said, "any suitable person." "Any suitable person" means one who has the knowledge, who can understand what is going on. He may not be a public officer, he may be even a Member of Parliament, but a man who has the knowledge, a man who has the know-how of the trade dispute.

Mr. Anyieni: What I want to ask the Minister is: when the Government was implicated, would it not appoint a Government officer to be the conciliator?

The Minister for Labour and Social Services (Mr. Mwendwa): Do not make me out to be a levil, I am a human being. Of course, I have officers whom I shall consult as to which one is right, because if I nominate somebody and he is quoted, then I will nominate somebody else.

The Chairman (Mr. De Souza): Mr. Mwendwa, that the hon. Member was asking was that if the Government was party to the dispute, would you not appoint a public officer?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, I know what he is asking. If the dispute is between the Government and the employee, then it is wrong for me to appoint a mediator who is a Government servant as the conciliator. That is exactly what he is asking about, therefore—

The Chairman (Mr. De Souza): There is a point of order.

An hon. Member: Is it right to call the Minister a devil?

The Chairman (Mr. De Souza): No, it is certainly not in order, it should be withdrawn, but I did not hear it. Continue.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, it is written in the Bible—I was about to quote the Bible—I wanted to tell the Leader of the Opposition—

The Chairman (Mr. De Souza): Yes, carry on.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, where a dispute exists between the Government and its employees, it would be right for me to appoint somebody

who is not a Government servant, maybe a Member of Parliament or someone else—a lawyer or a trader—or somebody whom I think is suitable, someone impartial.

Mr. Oduya: How can we be sure that the Minister will appoint a man who is not a stooge of the Government and who will not spoil the workers' case?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, if, after I have appointed someone, the Members have reason to believe that the man so appointed is my stooge, then they will raise the question in the House and I will answer it and they will have to prove it.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I am getting rather disturbed, because if we keep on at this rate I think we may not get anywhere and I am suggesting, Mr. Chairman, that if you have any points of order or anything under Standing Orders whereby you can expedite proceedings, so that we can get on and do something for the workers.

The Chairman (Mr. De Souza): Well, you can move the closure on each clause as it comes along, you can, for example, move the closure on this particular Bill if you want to.

Mr. Anyieni: To make sure that the Minister of the time will not appoint a stooge of the Government who may spoil the workers' case, will the Minister assure the House that he will that he will not appoint a Government officer?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Ogozi): Are you aware that the word "stooge" was ruled as being improper in this House?

The Chairman (Mr. De Souza): I think he was not referring to it in order to abuse a particular person. He was using it more as a general term applying it to a person who may be appointed, but I would rather you did not use the word.

Mr. Anyieni: To make sure that the Minister would not appoint someone who for some reason or other—because you have not allowed me to use the word—who might spoil the workers' case, will the Minister give this House an assurance that he will consult the workers on the man, so that the man who is going to be appointed will be acceptable to the three sets of people concerned and not only to the Minister?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, before I make any announcement about the person appointed,

[The Minister for Labour and Social Services] I always—and this has actually been the procedure—call in the workers and the employers and give them the name and if they have any objection then I appoint someone else. Until they agree that the right person has been appointed, I cannot announce his name.

(Clause 6 agreed to)

Clause 7

Mr. Masinde: I just want to get clarification from the Minister about the question of investigation in clause 7. I can see here that the Minister has already appointed a conciliator to deal with a dispute and, after appointing a conciliator to deal with this dispute, he starts investigations. Is it not in order for the Minister to investigate first before he appoint a conciliator?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, can I explain that it is not necessarily true that the actions to be taken are organized in terms of clauses 6, 7, 6 and 9, it depends. This merely explains what facilities are available. The Minister may very well investigate before conciliation. In fact, he will always investigate before conciliation, or he may take different action; he may think conciliation is unnecessary and go straight to arbitration. There is no hard and fast rule. The drafting of this Bill in this form does not mean that you take clauses 1, 2, 3, 4, 5, 6 and 7 as you go along. Action will be taken as and when it is necessary.

Mr. Warlith: Mr. Chairman, clause 7 provides the manner in which the investigator is to be appointed to the Committee to investigate disputes, and this is laid down in 7 (1), (2), (3) and (4). There is a proviso at the end: "Provided that the Minister shall not be precluded by any such recommendations from making any recommendations of his own to all or any of the parties to the dispute as he may think fit." My question, Mr. Chairman, is, why is it found necessary to give the Minister powers to make his own recommendations and to ignore the report of the investigator or of the Committee? It looks as if it is a waste of time, probably even money, for the Government, in the end, to give the Minister power to make his own recommendations, without regard to whatever the investigator or the Committee might have found.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On the surface of it, this looks as though the proviso nullifies the purpose of clause 7, but, in effect and in practice, what

happens is that, in the event that a recommendation comes from the Committee which is not particularly acceptable to both sides, it is possible by discussion, to vary it so that it is acceptable to both sides. It permits that variation to that extent and it is only for this purpose—to permit a variation where that can help in resolving the dispute—that this permissive clause is inserted. It does not necessarily imply that recommendations will, in every case, be set aside, but Members have to understand that, in dealing with trade disputes, you are dealing with basically human relations and not something to which the law can always apply in a very strict sense. You cannot force two groups of people to meet and agree on certain things, and there must be enough flexibility for it to work. The hon. Member, as one who has played a part with distinction in these matters from time to time in assisting, knows very well how much legal work is required to get agreement.

Mr. Warlith: Mr. Chairman, all that I am asking is, why is it not then made clear, under this proviso, how the Minister will make his own recommendations? It would appear, on the reading of it, that he does not need to consult anybody; he just sits back on the basis of the report given and makes his own separate recommendations.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I think the operative words are that it . . . shall not be precluded . . . rather than the definition of how he will do it and I am sure, Mrs. Warlith, with respect, fully appreciates that.

Mr. Bala: Mr. Chairman, I have a point of clarification on clause 7 (1). It is stated here that "where the Minister is satisfied that a dispute exists, or is apprehended, he may, whether or not the dispute has been reported to him . . ." Now, how does the Minister know that there is some dispute unless there is some very good information so that he can act, or intervene?

The Minister for Labour and Social Services (Mr. Mwendwa): In this clause, it is stated that my officers in the field keep an eye on the union's movement. If they tell me a certain dispute exists, and if we do not know of it, there is bound to be a strike. In that case, although literally the strike has not taken place, then I take steps so that we can stop the strike, if necessary.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Koedick): On a point of order, Mr. Chairman, is it in order for hon. Members to cross the floor as if they were crossing a pig sty?

The Chairman (Mr. De Souza): Whoever crosses the floor must first bow to the Chair and then cross the floor in the normal manner. It is not permissible just to cross the floor.

Mr. Bala: On a point of order, Mr. Chairman, when I crossed the floor, I did bow to the Chair.

The Chairman (Mr. De Souza): I think we must note that the question be now put—However, we will let Mr. Omar finish what he has to say.

Mr. Omar: My point deals with clause 7 (3) which says that "Any investigator or committee to whom any matter is so referred by the Minister under this section shall investigate the matter without delay and report thereon to the Minister." These words "without delay", Mr. Chairman, I think the Minister can deliberately say the matter for as long as he wants. I think specific time should be given within which the matter should be reported by the Minister.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I do not believe that any Minister in his right sense is going to delay deliberately when he knows there is a dispute with a likelihood of industrial disturbances. On the contrary, there is always a tendency to hurry up. On the other hand, if you are down in law that everything must be done within a specified period, and if the investigations should take longer, then you have a problem that, if it goes beyond the maximum period laid down, that it will be illegal to do it after the period has elapsed. There must be flexibility, therefore, in these matters. This why it is only permissive.

Mr. Gichoya: I think that the Minister for Justice is in a way accusing the Minister. It is stipulated in this particular Bill that the Minister should make recommendations in the report without any delay. This means—

The Chairman (Mr. De Souza): What are you referring to Mr. Gichoya?

Mr. Gichoya: I am referring to the words "without delay". In clause 7 (3) it says "Any investigator or committee to whom any matter is so referred by the Minister under this section shall investigate the matter without delay and report thereon to the Minister." It has been apprehended—according to what I see in the words of the clause—that there have been delays when there have been investigations—could we, therefore, have this part of the clause deleted

which refers to "without delay" and change it to read thus, "I shall investigate the matter and report thereon to the Minister." There must certainly be a time limit.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I have the greatest respect for the Member who has just spoken, but I am quite sure that he is splitting hairs. I am not sure whether this is helping the passage of the Bill at all.

Mr. Masinde: Mr. Chairman, there is an important point here which I must clear with the Minister right away. From time to time, we have had experience where, under a Bill, certain sections state that within a certain period the investigations shall have been covered. This may sometimes take as much as six months, because if we do not, it will mean that the investigations have not been completed. However, if a certain time is allowed, then the Minister will have a chance to manoeuvre, to say that the investigations have not been completed and the period will, necessarily, have to be extended. That, I am sure, will be more helpful.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I think the hon. Member is surely pretending ignorance where there is no ignorance. He has himself spoken on clause 6. Now, clause 7 is only an alternative method, and if the trade unions thought there was delay in the investigations, they would report the dispute. This is a machinery which works where a dispute is thought to be taking place. Clause 7 says, "Where the Minister is satisfied that any trade dispute exists or is apprehended he may, whether or not the dispute has been reported . . ." The Minister's action is independent initiative only where a dispute has not been reported. Where it has been reported, apart from clause 7, he would deal with a dispute under clause 6. So, it is obvious there is no question of delay.

(Clause 7 agreed to)

Clause 8

Mr. Masinde: I think it is necessary to refer to this clause because it deals with an Arbitration Tribunal. I have a point to raise here before we proceed to talk of industrial courts. This is intended actually, to delay the whole machinery of trade disputes, where we have been crying for industrial courts to substitute Arbitration Tribunals. Why is it necessary that we should have Arbitration Tribunals as opposed to industrial courts?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, if the hon. Member will read the opening remarks in clause 8 (1) he will see that, "Where there is failure to effect a settlement of a trade dispute under section 6 or section 7 of this Act, the Minister may, and this is important—subject as hereinafter provided and if the parties to the dispute consent, . . ." If these two parties to the dispute wish to go to the Arbitration Tribunal why do you want us to stop it?

Mr. Mutiso: Can we know from the Minister how is he going to know whether there has been a failure on this issue? I thought—

The Chairman (Mr. De Souza): I think I will now report progress to the Speaker and beg to sit again tomorrow.

(The House resumed)

(The Speaker (Mr. Slade) in the Chair)

PROGRESS REPORTED

THE TRADE DISPUTES BILL

Mr. De Souza: Mr. Speaker, at the time for the interruption of business, the Committee of the Bill, clause 8. On behalf of the House I beg to report progress and ask leave to sit again.

The Speaker (Mr. Slade): Do you want to sit again tomorrow?

Mr. De Souza: Yes, Sir.

(Ordered that the Committee of the whole House do sit again tomorrow)

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is therefore adjourned until tomorrow, Wednesday, 18th March 1964, at 2.30 p.m.

The House rose at thirty minutes past six o'clock.

WRITTEN REPLY TO QUESTION

Question No. 98

INDEPENDENCE GIFTS AND THEIR USE

within and outside Kenya, and to state to what use each gift had been put.

REPLY

(By the Minister of State, Prime Minister's Office (Mr. Murumbi))

Mr. Ngala asked the Minister of State, Prime Minister's Office, to give a breakdown of the various types of Independence gifts, in kind or cash, that Kenya had so far received from

Sir, the various Independence gifts, in kind or cash, that Kenya has so far received and the use to which each gift has been put, are as follows:—

	Gift	From	To	Use
1	£10,000	Kenya Sisal Board ..	Ministry of Education	Building and equipping a workshop at Thika Technical and Trades School.
2	£350	E.A. Bag & Cordage Ltd.	Ministry of Education	Building and equipping a workshop at Thika Technical and Trades School.
3	£1,500	E.A. Power & Lighting Co. Limited.	Ministry of Education	Bursaries for pupils in Nakuru Secondary School.
4	£300 annually	Tea Board of Kenya ..	Ministry of Education	Bursaries for two pupils at the Nakuru Secondary School and one pupil at each of the seven Technical and Trades' School per year.
5	£500	Esso Standard (E.A.) Limited.	Ministry of Education	Establishment for Esso Educational Fund for Scholarships/Bursaries for Higher School Certificate classes.
6	£100	A. Baumann & Co. Ltd.	Ministry of Education	Royal College.
7	£300	Cooper Motor Corporation Limited.	Ministry of Education ..	Royal College.
8	£5	Ehoo's Motor Service Limited.	Ministry of Education	Royal College.
9	£10-10	East African Newspapers (Nation).	Ministry of Education	Royal College.
10	£250	Hogg, Robinson & Capel-Cure (E.A.) Ltd.	Ministry of Education	Royal College.
11	£15	Messrs. Jackson & Hill	Ministry of Education	Royal College.
12	£100	M. D. Kamp Insurances	Ministry of Education	Royal College.
13	£500	Metal Box Co. (E.A.) ..	Ministry of Education	Royal College.
14	£60	Notkin Ltd.	Ministry of Education	Royal College.
15	£25	Rowland Ward (E.A.) Ltd.	Ministry of Education	Royal College.
16	£25	Ryan Motors Limited ..	Ministry of Education	Royal College.
17	A slide projector ..	Achillis Limited	Ministry of Education	Royal College for Department of Physiology and Biochemistry.
18	£100 worth of books by African authors.	The British Council ..	Ministry of Education	Royal College for Library on African Literature.
19	A micro film camera ..	Department of Technical Co-operation.	Ministry of Education	Royal College for the Department of History.
20	£7,500 worth of shares in E.A. Breweries.	East African Breweries Limited.	Ministry of Education	To be invested in the E.A. Breweries Limited.

	Gift	From	To	Use
21	Fuel pump for a horizontal diesel engine.	East African Industrial Equipment Co. Ltd.	Ministry of Education	Royal College for Department of Mechanical Engineering.
22	£500 worth of equipment	Esso Standard (E.A.) Ltd.	Ministry of Education	Royal College for the Faculty of Engineering.
23	Electrical equipment and post-graduate scholarships in France for suitable students.	Henckell du Buisson (E.A.) Limited.	Ministry of Education	Royal College Students.
24	Equipment	Maida Limited	Ministry of Education	For Department of Animal Husbandry.
25	A photocopying machine	Markham & Co. Limited	Ministry of Education	Royal College.
26	£8,000	Standard Bank Ltd.	Ministry of Agriculture and Animal Husbandry.	For an Isolation Block for Infectious Diseases in Royal College and for the Faculty of Veterinary Science at Kabete.
27	£8,000	Barclays Bank	Ministry of Agriculture and Animal Husbandry.	Egerton College for Endowment Fund.
28	33 microscopes worth £4,500.	The Swiss Government	Ministry of Education	For the Faculty of Veterinary Science.
29	£1,000 worth of Bursaries	Stirling Astaldi (Africa) Ltd.	Ministry of Education	At the Kenya Polytechnic.
30	Karen House and equipment.	Denmark	Ministry of Labour and Social Services.	Training for women in Domestic Science, Home Economics and Adult Education.
31	10 ambulances worth £10,000.	West German Government.	Ministry of Health and Housing.	One to Nairobi Airport. One to Nairobi City Council Six—one to each of the Regional General Hospitals. Two not yet allocated.
32	One jeep-type ambulance	Government of Israel	Ministry of Health and Housing.	Not yet allocated.
33	£1,000	Kodak (E.A.) Limited	Ministry of Health and Housing.	Radiological equipment.
34	£500	Metal Box Co. (E.A.) Limited.	Ministry of Health and Housing.	For purchase of Polio Respirator for Myeri Regional General Hospital.
35	£8,000	National & Grindlays Bank Limited.	Ministry of Health and Housing.	Installation of Pipes, Gases and related equipment in operating theatre.
36	Silver	Caltex	Speaker of House of Representatives.	In the National Assembly's Dining Hall.
37	Speaker's Chair	India	Speaker of House of Representatives.	In the Senate.
38	Silver table centre piece and a bookcase containing Constitutional and Parliamentary Works.	Her Majesty's Government and the U.K. House of Commons.	Speaker of House of Representatives.	For use by the National Assembly.
39	Two Dispatch Boxes. Two letter racks and 50 New Zealand books.	The Government of New Zealand.	Speaker of House of Representatives.	In the National Assembly.
40	1,500 Kenya Flags	Czechoslovak Committee of Solidarity with Afro-Asian Nations.	Independence Celebrations Directorate.	Independence Celebrations.

	Gift	From	To	Use
41	Twenty-four 2-ton lorries	U.S.A. Consul General.	Ministry of Local Government.	Now in use in the selected County Councils.
42	Two radio teleprinters, receivers. Two attachments for reception of radio teleprinter transmissions. Three teleprinters. Two radio receiving sets and spare parts.	News Agency of the Soviet Union.	Ministry of Information Broadcasting and Tourism	For launching the Kenya Government News Agency.
43	£250	M. A. Patel of Maida Ltd.	Ministry of Education	Use in Egerton College.
44	Flag Post	Koinange's Family	Kenya Government	Independence Celebrations.
45	Sagana State Lodge	Her Majesty, Queen Elizabeth II.	Kenya Government	To be used by Ministers as may be directed by the Prime Minister.
46	Drilling machine	Director, B.P. & Shell Petroleum.	Ministry of Natural Resources.	In Geological Department

While every effort has been made to collate information on these gifts, the list does not claim to be exhaustive and includes gifts personally donated to the Prime Minister and donations of the order of £30,000 routed through the Kenya National Fund and earmarked for specific purposes as at 11th March 1964.

Wednesday, 18th March 1964

The House met at thirty minutes past Two o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

NOTICES OF MOTIONS

Mr. Okwanyo: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

PROSTITUTION: TRIBAL CUSTOMARY LAW

THAT, in view of the fact that the Government has failed to find a solution to the practise of prostitution in most towns in Kenya, this House now urges the Government to arrange for the matter to be dealt with according to tribal laws and with the assistance of tribal organizations such as the Kikuyu Welfare Association, Luo Union, Abaluhya Union and Akamba Union.

OPIMUM SMOKING

THAT this House urges the Government to cause an investigation into the reasons why opium should be considered more dangerous to human health than nicotine and liquor, and why only Africans have been stopped from smoking it.

Mr. Kamunde: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

IMPROVED SALARIES OF TEACHERS

THAT this House, being gravely concerned with the deterioration of the standard of teaching due to the low salaries of teachers who consequently are leaving the profession for more remunerative posts in the commercial world, calls upon the Government to improve the salaries of teachers, particularly those in the lower grades, so that children are not left to be taught poorly by untrained teachers.

ROADS, COMMUNICATIONS AND ELECTRICITY: MERU DISTRICT

THAT this House urges the Government to take immediate steps to improve roads and communications in Meru District and to ensure that—

The Speaker (Mr. Slade): Order, order. On several occasions I have told hon. Members to keep silent until the Notice of Motion has been given, the purpose of a notice being that hon. Members should hear what Motion is coming

forward. If you care to register any comment at the end of the notice, that is a different matter. Will you read the notice again, Mr. Kamunde?

Mr. Kamunde:

ROADS, COMMUNICATIONS AND ELECTRICITY: MERU DISTRICT

THAT this House urges the Government to take immediate steps to improve roads and communications in Meru District and to ensure that the district is served with electricity.

MILK PLANT FOR SOTIK

Mr. arap Soti: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in view of the large number of dairy farms operating in East, Central and West Sotik, this House urges the Government to have a milk plant established in that area as soon as possible to serve the producers who, since the departure of the Kenya Co-operative Creameries, can no longer dispose of their milk economically.

SEVEN-YEAR FREE AND COMPULSORY EDUCATION

Mr. Barasa: Mr. Speaker, Sir, I rise to give notice of the following Motion:—

THAT, in view of the great need for education for all African children in Kenya, this House urges the Government to take measures to introduce a seven-year free and compulsory education system without further delay.

COMMISSION OF INQUIRY: GABBIA AND GELUBBA BORDER RAID

Mr. Godana: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House urges the Government to set up a Commission of Inquiry into the border raid between the Gabbia and Gelubba tribes where 120 people were killed from 5th December 1963 to 13th March 1964.

Mr. Malsori-Itumbor: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

IDENTIFICATION AND CONTROL OF NON-AFRICANS

THAT this House views with concern the lack of control over those members of other races whose immoral and bad influence are having a very detrimental effect on Africans, and urges the Government to intensify control over such individuals by a system of identification and by requiring their communities to accept the responsibility for their behaviour.

REGIONAL BOUNDARIES AND THE KURIA TRIBE

THAT this House views with concern that, as a result of the demarcation of the regional boundaries, the Kuria tribe have not been allocated any specific area in which they can maintain their tribal entity in the same way as other tribes, and calls upon the Government to make proposals to redress their grievances and to alleviate their hardships.

REPEAL OF THE AFFILIATION ACT

Mr. Mboogh: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House is convinced that the use of the Affiliation Act is repugnant to the African customs in that it encourages prostitution, and therefore urges the Government to consider repeal of this Act in conformity with its policy of African socialism.

ORAL ANSWERS TO QUESTIONS

Question No. 119

SELECTION OF STUDENTS FOR NATIONAL SECONDARY SCHOOLS

Mr. Malinda asked the Minister for Education it—

- (a) The Minister would inform this House why Student No. AN. 562, Fidelis Kilonzo, was not taken in at the Holy Ghost College at Mangu which is a national school, having been first selected by the Selection Committee to go there?
 (b) How many other places in the national secondary schools had been taken up by students outside those selected by the Selection Panel?
 (c) How were prospective students to these national secondary schools informed of the decision of the selection Panel. Did the information give latest dates on which such students must arrive at the school?

The Parliamentary Secretary for Education (Mr. Kagia): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply:—

- (a) This pupil was not admitted to Mangu School, because he did not report there by the requisite date.
 (b) I am not aware of any student outside those selected by the Selection Panel who has taken a place in a national secondary school. I would like to point out that all selections are provisional in the first instance, and a sufficient reserve

list is compiled to replace pupils who, for some reason, do not accept the places offered to them, or are found inadmissible or who fail to report by the required date. All the eighteen places which were not filled by the selected candidates for some reason or another, have been filled by candidates from the reserve list.

(c) The successful applicants for admission to national schools are informed of their selection by means of notifications addressed to them individually by the headmasters and headmistresses. These notifications include the dates by which pupils should arrive at the schools.

Mr. Malinda: Mr. Speaker, Sir, is the Parliamentary Secretary aware that this particular student did go to Mangu and was turned away?

The Parliamentary Secretary for Education (Mr. Kagia): That is not correct, Mr. Speaker. The fact is that this student was informed, but he could not come on the date required. Again, the Principal wrote to his brother and, only after a long time, did this boy report to Mangu after his place had been filled by another student from the reserve list.

Mr. Malinda: Mr. Speaker, Sir, is the Parliamentary Secretary prepared to give me or show me a copy of the letter which is reported to have been sent to this particular boy?

The Parliamentary Secretary for Education (Mr. Kagia): Yes, I can provide that at a later stage, Mr. Speaker.

Mr. Muthi: Mr. Speaker, Sir, could the Parliamentary Secretary tell this House how the Ministry makes sure that religious opinion does not influence the choice of students to the national schools?

The Parliamentary Secretary for Education (Mr. Kagia): We are sure, Mr. Speaker, that the Selection Board is very impartial and does not take into consideration religious background.

Mr. Kibuga: Mr. Speaker, Sir, could the Parliamentary Secretary tell the House how the Selection Committee can assure us that a letter sent to a prospective candidate reaches that pupil and is not lost on the way?

The Parliamentary Secretary for Education (Mr. Kagia): I think I have just said, Mr. Speaker, in this particular case, that when it was reported to the school that this boy did not get the letter in time, efforts were made to reach this boy through his brother.

Mr. Anyieni: Mr. Speaker, Sir, will the Parliamentary Secretary give this House an assurance that where the mistake does not lie with the student concerned, that student will be found a place to study?

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker in this case, I am not going to give an assurance, but I will inform the House that this boy has a place now in Machakos High School.

Mr. Mutiso: Arising from the Parliamentary Secretary's reply, would he tell the House what period elapses before the student must lose his place?

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker, if the boy does not report on the date given, then his place can be taken by other students on the reserve list.

The Speaker (Mr. Slade): We will go on to the next question now.

NOTICE OF MOTION ON THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 119: SELECTION OF STUDENTS IN NATIONAL SECONDARY SCHOOLS

Mr. Malinda: On a point of order, Mr. Speaker, I am not quite satisfied with the reply. May I give notice that I wish to raise this on the adjournment?

The Speaker (Mr. Slade): Yes. You will have to give me written notice, and it will have to wait now until next time we sit.

ORAL ANSWERS TO QUESTIONS

Question No. 122

DISPUTED BOUNDARY: THIKA AND MAKUYU

Mr. Mutiso asked the Minister for Justice and Constitutional Affairs if the Government would order a public inquiry to investigate the already disputed boundary which was imposed by the Regional Boundary Commission between Kamba and Kikuyu tribes in and around Thika and Makuyu areas, so that this House may thereafter consider the desirability of amending the Constitution of Kenya in this respect?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply: No, Sir. Provision exists in section 239 of the Constitution defining the procedure for alteration of boundaries.

Mr. Mutiso: Arising from that reply, Sir, is the Minister not aware that because of this Boundary Commission Report, there is already tribal conflict between the Kikuyu and Kamba people?

An hon. Member: It was there before!

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, if there are grievances over the existing boundary, then I suggest that the Member or Members concerned ought to read section 239 of the Constitution, get in touch with the Regional Assembly Members on both sides and have the matter raised in the first place in the Regional Assembly. When it has been passed by a two-thirds majority of both regions, it will come to this House and be passed by a simple majority.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that the Regional Assemblies are constituted on a tribal basis, and when a case like this comes up one side will favour the boundary on their side, but it will not receive the two-thirds majority, and if it does not, what will we do?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I said once in this House and I say it again, that the Government is listening very carefully to every point that is given in this House and outside and will consider as and when such points justify an amendment to the Constitution. I am listening very carefully now.

Mr. Gichoya: Arising from the previous reply by the Minister, would he tell this House what steps should be taken when the clause he was referring to fails to operate in the sense that two regions or Regional Assemblies completely fail to agree or even to meet and discuss their boundary?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I thought the hon. gentleman was listening.

Mr. Gichoya: I was.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): When I replied originally, I heard some Members from the Opposition saying "Hear, hear!" I want to make it quite clear that the Government is concerned with watching how the Constitution is working and noting its various difficulties, weaknesses and obstacles. When we find that any part of the Constitution is not practical or workable, it must be amended.

The Speaker (Mr. Slade): Only a question on this particular disputed boundary.

Mr. Mutiso: Mr. Speaker, would the Minister not agree that since the Government is only interested in building an integrated Kenya, the question of boundaries between the Eastern Region and the Central Region, which are both in the Government, should not arise?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, do I understand from the hon. Member that he deems that the boundaries no longer exist and are no longer meaningful? If that is the submission, and is accepted by the Opposition, we welcome it.

Mr. Mutiso: Mr. Speaker, Sir, arising from one of the Minister's replies, could he tell this House what procedure could be employed to effect a change of the Constitution?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, the procedure is well defined in the Constitution.

Mr. Shikuku: Mr. Speaker, arising from the Minister's reply, is the Minister aware that mere amendment of the Constitution would not actually cure the conflict between the Kamba and the Kikuyu, which has been there for a long time?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, if I understand the hon. gentleman to suggest that minor amendments will not cure this difficulty, the Government would welcome major amendments.

Mr. Shikuku: Mr. Speaker, is the Minister aware that he has not replied to my question, and the question is: Does he think by amending the Constitution the present trouble which has existed for a long time would be solved? We had these troubles before.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, if the Constitution, as it now exists, promotes and entrenches tribal feelings and tribalism, then, Sir, the amendments can help to cure.

Mr. Anyieni: Mr. Speaker, Sir, is the Minister aware that some of the recommendations of the Regional Boundaries Commission are only known on paper and, on the land, people do not know about them?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): No, Sir, I am not aware of that. In every case, there was demarcation on the ground and every effort was made to make people on the ground aware of where the boundary was. If, on the other hand, any Member thinks that people in his area have not been made

aware of the boundaries, we will make an effort to do something.

Mr. de Ties: Mr. Speaker, Sir, is the Minister aware that the present dispute actually arises from a land dispute rather than from differences of the Constitution; the land dispute between the Kikuyu and the Kamba?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I am most amused. Is it seriously suggested that you can have a boundary dispute without a land dispute, because I would have thought that boundaries pass through land and, therefore, there is a land dispute.

Mr. Balah: Mr. Speaker, Sir, apart from the notice given by the question of the hon. Mr. Mutiso, has there been any representation from the people of the area concerned to the Member for this District?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I am aware, Sir, of the existence of the dispute and, as I have told hon. Members, the first step rests in getting the representatives on both sides in the Regional Assembly to take the initiative.

Question No. 109

TRIBAL BREAKDOWN: KENYA MILITARY FORCE

Mr. Mbogoh asked the Minister of State, Prime Minister's Office, whether the Minister could give the House, numerically, the tribal breakdown of the Kenya Military Force?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to reply: I am not prepared to give a numerical breakdown of the tribal composition in view of the national interest because this would constitute a breach of security by disclosing the exact strength of the army.

Mr. Mbogoh: Can the Minister tell us what steps the Government is taking to make the army of Kenya representative of all the tribes of Kenya?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, the Kenya Army consists of Kenya citizens and we are only interested in citizens and not anyone else.

Mr. Ngũgĩ-Abok: Mr. Speaker, Sir, will the Minister assure the House that a suggestion the other day that the army must represent all tribes has not been dropped by the Government?

The Speaker (Mr. Slade): Hon. Members, do not interrupt so loudly that we cannot hear.

Mr. Ngala-Aboki: Arising from the Minister's reply, will he assure the House that the recent suggestion to the Government that the army or the police must represent all the tribes in Kenya has now been dropped by the Government?

The Minister of State, Prime Minister's Office (Mr. Murumbi): The army or the police, for that matter, will be representative of Kenya citizens.

Question No. 111

INDUSTRIES IN EMBU: EMPLOYMENT

Mr. Mbogoh asked the Minister for Commerce and Industry what industries the Ministry was intending to open in Embu so that the present state of unemployment in the area might be reduced?

The Minister of State for Pan African Affairs (Mr. Koinange): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Commerce and Industry, I beg to reply.

The Ministry of Commerce and Industry does not establish any industries in any part of the country. What it does is to encourage and welcome proposals from parts of the country for the establishment of industries within the limited resources of the Industrial Development Corporation (Small-Industries). Such research shows whether industries are best suited to the area, taking into account various factors, taking into account the availability of raw materials necessary for projects at the start. Unfortunately, during the past few years, there have not been any approaches for specific projects from the Embu people made to the Industrial Development Corporation. In fact, only one application has been made, that for a saw mill, and it has been investigated to see whether it is suitable. Already, the district office in the Ministry, is looking into the possibilities for that area, with a view to encouraging the possible chances of brick-laying, cattle feed, sisal decortication, wool spinning, bakeries, clothing, and future shops and furniture making industries being started. There may also be possibilities of establishing a rice factory, but this is, primarily, an agricultural problem rather than connected with the Ministry of Commerce and Industry. It is necessary, however, for the people of Embu to pursue these projects and, to this end, it is encouraging to hear that the Embu people have not allowed any industry in the area to go ahead without the planning permission of the District Development Authority, which will be the principal medium for the industrial development in the area.

Mr. Mbogoh: Arising from the Minister's reply, does he imply that all those people who have had industries planned by this Government first of all go to the Government and tell them what industries they want?

The Minister of State for Pan African Affairs (Mr. Koinange): We say, Mr. Speaker, that those people are welcome to come forward, and their initiative will be assisted by the Government, but plans will not actually be initiated by the Government.

Mr. Mbogoh: Mr. Speaker, does the Minister now tell me that this Government would ignore development in Embu, as it has been ignored by the Colonial Government, if the people do not go to him and tell him what they want?

The Minister of State for Pan African Affairs (Mr. Koinange): The question of welcoming their initiative is not ignoring.

Mr. Ngala: Arising from this reply by the Minister, Mr. Speaker, is the Minister aware that the Government has an Economic Planning Department, and is he assuming that this Economic Planning Department does not take any initiative in planning?

The Minister of State for Pan African Affairs (Mr. Koinange): There is actually an office in the Department who makes these plans and helps, but the initiative must come from the people in the area. That is more sound, rather than coming from the Government directly.

Mr. Ngala-Aboki: Mr. Speaker, Sir, we would like the Government to be very specific on this question. How, at the local level, could the people be organized in such a way that they would approach the Government?

The Minister of State for Pan African Affairs (Mr. Koinange): The local people can be organized through the regional or district level. There are existing, and could exist, co-operative societies, and people with initiative would use them. Government officers are there, and their advice can be sought. Then, after that, initiative will come from the people.

Mr. Makone: Mr. Speaker, Sir, the Minister says that the request must come from the people themselves. Would he kindly give us a specific example where such request have come and they have been granted the industries?

The Minister of State for Pan African Affairs (Mr. Koinange): Mr. Speaker, I have just referred to a saw-mill. The investigation is already going on due to the initiative of the people.

Mr. Bonnett: Mr. Speaker, Sir, is it not the duty of the Government to plan for society as a whole, and not just for individual groups of people, in this country?

The Minister of State for Pan African Affairs (Mr. Koinange): Mr. Speaker, Sir, the Government helps in advising the people. They can come as individuals, or they can come as a group in the form of a co-operative society.

Mr. J. M. Karuki: The Minister has said that the initiative must come from the people. If the Government now throws down a challenge to the Members, does it mean that whatever proposals come from a particular Member of a particular area, that the Government will implement it?

The Minister of State for Pan African Affairs (Mr. Koinange): Of course, there are co-operative societies and there is a Department for Co-operative Societies in the Ministry, and if any individual or group should bring some constructive plan in association with a co-operative society to the Department, they will be given consideration.

Mr. Masinde: Mr. Speaker, Sir, arising from the Minister's reply, is the Minister aware that it is the duty of the Government or the Ministry to direct any investor who comes to this country to the right place where he can go and set up an industry? For that matter, why can the Ministry not do this for the Embu?

The Minister of State for Pan African Affairs (Mr. Koinange): Mr. Speaker, Sir, I have cited several suggestions which should be encouraged. The Government have just said that there is actually in that area of Embu—possibilities of brick-laying, cattle feed, sisal cultivation, wool spinning, bakery, clothing, furniture shops and other things. These could come, but this Government points out that the initiative must come from the people.

An hon. Member: Mr. Speaker, Sir, does the Minister agree with me that when a Member representing a constituency comes forward to the Government and puts forward the views of his own people, that the people have been represented?

The Minister of State for Pan African Affairs (Mr. Koinange): Would you repeat, please?

The Speaker (Mr. Slade): Would you repeat your question? The Minister did not quite understand it.

An hon. Member: Does the Minister agree with me that when a Member who represents a constituency comes forward to the Government and

puts forward the views of his people, that the people have been represented and he needs no other representation?

The Speaker (Mr. Slade): I do not quite see how this arises out of the question. I do not think really there is any need for the Minister to answer the question.

Mr. Agar: Mr. Speaker, Sir, arising from the Minister's reply that one of the factors in locating industries is proximity to raw materials, what made the Government direct a Japanese firm to build a textile industry in Thika?

The Speaker (Mr. Slade): It is too far away. That is the subject of another question.

Question No. 113

SHORTAGE OF AFRICAN MIDWIVES, NURSES AND HEALTH VISITORS

Mr. Mbogoh asked the Minister for Health and Housing what steps his Ministry was taking to stop the present shortage of qualified African nurses, midwives and Health Visitors.

The Minister for Health and Housing (Dr. Munga): Mr. Speaker, Sir, I beg to reply. My Ministry has always been aware of the importance of having trained African staff, and is also conscious of present shortages. It is, however, taking active steps with regard to training in various fields of medical staff requirements. In Kenya, we have about 192 girls training to become Kenya Registered Nurses. At the same time, we have about forty-five of them in the United Kingdom who are training to be State Registered Nurses over there. On qualifying, the Kenya Registered Nurses will be of the same status as the girls trained in England who attain their State Registered Nurses' certificates. In addition to this, we have over 700 enrolled nurses in training schools in Kenya in both Government and mission hospitals throughout the country. For qualified midwives, we have recently started a School of Kenya Registered Midwives in Nairobi. There are seven girls who are Kenya Registered Nurses who are in training there. In addition to that—we would like to have more Masai girls in training there if we could—we have about 200 assistant midwives who are in training in Government hospitals, local authority hospitals and mission hospitals in Kenya. Some of these are already enrolled nurses. For qualified African Health Visitors, we have two who are completing their course in the United Kingdom and they will be returning to Kenya soon. There are about 165 Assistant Health Visitors who have been trained in Kenya.

[The Minister for Health and Housing]

My Ministry, being aware of this problem, is planning a new form of auxiliary training for comprehensive nursing for enrolled nurses. These girls will be trained for three years in general nursing, maternity and health visiting and, when qualified, will be capable of performing any of these duties. It is hoped to start a school for full Health Visitors' training in Kenya.

An hon. Member: When and where?

The Minister for Health and Housing (Dr. Mungai): Either this year or next year. The place for which you shall be informed of later. We have about ten girls who are training to become Registered Nurses in Eastern European countries, too.

Mr. Mbogoh: Mr. Speaker, Sir, could the Minister tell us what is the difference between an enrolled nurse and an assistant nurse?

The Minister for Health and Housing (Dr. Mungai): The enrolled nurses start training after their Kenya Preliminary Examination and they have three years of training. There are other girls who are called assistant nurses who go to the hospital without these qualifications and they may achieve the status of assistant nurse.

Mr. Mbogoh: What chance, Mr. Speaker, has an assistant nurse of becoming an enrolled nurse?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, it goes on qualifications, and we are trying to achieve high qualifications. Unless they have proper standards, they can never become nurses.

Mr. Jahazi: Mr. Speaker, Sir, will the Minister tell the House what target his Ministry is aiming at to enable Kenya to be self-sufficient in nurses, midwives and others?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, let me say that we can use very many nurses. If we are to go on what we may call ideal standards, where you require one nurse for three hospital beds, with Kenya's population, we would require about 30,000 nurses. We have long way to go.

Mr. Muti: Mr. Speaker, Sir, would the Minister agree that the present limitations set by the British Nursing Council make it difficult for us to train the necessary number of nurses we want in England, and would he then agree that it might be necessary to recommend to the British Nursing Council that T3 girls qualify to train as State Registered Nurses, which is the equivalent of the Kenya Registered Nurse's training in Kenya?

The Minister for Health and Housing (Dr. Mungai): If these girls pass the Kenya examination, they would qualify. The examinations that are done in Kenya are not done in England. We have our standards in Kenya.

Mr. Seroney: Mr. Speaker, would the Minister tell this House what specific qualifications are required for the enrolled nurses and the State Registered Nurses?

The Minister for Health and Housing (Dr. Mungai): Kenya Registered Nurses have to have School Certificate. And enrolled nurses have to have the Kenya Preliminary Examination.

Question No. 118**CONTROL OF GAME: TANA RIVER DISTRICT**

Mr. Kase asked the Minister for Natural Resources if he was aware that the scattered wild game in the Tana River District was damaging crops and the lives of people. If the answer was yes, what measures were being taken by the Government to control the animals. If the Government could not control wild game, could the inhabitants of the area be allowed to use any means for their protection?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. The Government has always been aware of occasional damage to crops and of various accidents causing loss of life by game animals in the Tana River District.

The Speaker (Mr. Slade): Speak up, Mr. Sagini. Hon. Members will not hear.

The Minister for Natural Resources (Mr. Sagini): I will repeat the answer, Mr. Speaker, Sir, the Government has always been aware of occasional damage to crops and of various accidents causing loss of life by game animals in the Tana River District. Appreciating this, the Government has maintained in this area, a much larger Game Control Team than in any other part of the country. In addition, Mr. Speaker, Sir, the proportion of game control weapons allocated in this area is very high indeed, and more animals are shot here than anywhere else in the country. More recently, the Government has moved the Game Warden in charge of this area to Galole, so that he can observe the actual damage from which it is claimed the Pokomo suffer. It is very wrong to imply that the Government is unable to control game animals in the Tana River District. What the Government needs is the co-operation of the hon. Members in

[The Minister for Natural Resources]

regarding the people of the Tana River in the importance of game animals. If the people co-operate with the Government by reporting any cases of marauding animals or any threat to life or property, the problem would not even arise.

The Government cannot allow people to use any means to destroy our wild life indiscriminately. The law of the country does not allow this and, in any case, this would be contrary to the declared policy of the Government to conserve the wild life of this country. Game animals can only be killed in the approved way so that the country is not left full of wounded animals which would constitute a great hazard to life.

Mr. Kase: Mr. Speaker, Sir, does the Minister agree with me that three Game Scouts in an area of 9,000 square miles is not enough?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, could the Member explain what he means by enough? It depends on what you mean by enough. I am talking about the financial resources we have in this country. I think it is enough. The only snag in that area is that the inhabitants do not co-operate, for example, by agreeing with officers in my Ministry to leave corridors in between their shambas on the forest edge.

Mr. Kase: Mr. Speaker, Sir, the Minister seems to be talking of corridors. Is he aware that there is an area which is never dug, and these animals just cannot follow that path. They just walk into the shambas.

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, I think I have given the answer. Once the animals have become a nuisance, the thing to do is to let my people know by telephoning Nairobi and we shall send a ranger to shoot them.

Mr. Rurumbani: Arising from the Minister's reply, that it is the policy of the Government not to permit poaching, will the Minister tell this House how people are going to protect themselves in case of danger?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, the question is very clear and very nice indeed. Suppose you are walking somewhere in Nairobi and you meet a lion, that is too bad, but, in that area, they know the times that animals become a nuisance, especially during the season when crops are growing. I have told the speaker that he can always telephone Nairobi or send a telegram to my rangers and the animals will be dealt with.

but if he has a gun and it is in danger of being killed, he has the right to kill that animal first.

Mr. Rurumbani: Arising from the Minister's reply, would he agree with me that three-quarters of the people who were accused of offences in that particular area, were those who were only defending themselves?

The Minister for Natural Resources (Mr. Sagini): I cannot agree with the Member, because in this country we have very good magistrates and they listen to cases. They are very impartial.

Mr. Tuva: Mr. Speaker, Sir, since this area referred to is out of the Kenya National Park, can the Minister allow the people in that area to kill game, since it does not attract tourists?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, I am very shocked, because once you allow people to kill the animals, that way, you will not stop it anywhere. It is against the policy altogether. Animals are a wonderful heritage. That cannot be allowed.

The Speaker (Mr. Slade): Sorry to disappoint so many Members, but we must go on to the next question.

Question No. 120**AFRICAN ENGINEERS: EXECUTIVE POSTS**

Mr. Warithi asked the Minister for Works, Communications and Power if he could inform the House of the number of African engineers holding executive posts in the Ministry of Works?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. There are only two African engineers holding executive posts in the Ministry.

Hon. Members: We cannot hear.

The Speaker (Mr. Slade): Will you repeat your reply. Hon. Members, please keep silent in order to hear the reply.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, with your permission, I will repeat the answer again. There are only two African engineers holding executive posts in the Ministry.

Mr. Warithi: Arising from that reply, Mr. Speaker, what posts are these two engineers holding?

The Minister for Works, Communications and Power (Mr. Mwanjumba): They are holding posts with the rank of Regional Engineers.

Mr. Warithi: Arising from that reply, why is it that there are only two engineers holding executive posts? Is it because of a shortage of engineers? How do you explain this position?

The Minister for Works, Communications and Power (Mr. Mwanjumba): The hon. Member has already answered the question, Mr. Speaker. It is because we have a shortage of engineers who are capable of holding these and other posts in the Ministry, but the Ministry is doing everything it can to bring Africans up to the top level.

Mr. Somo: Mr. Speaker, Sir, would the Minister tell this House how many Africans are being trained in these engineering posts?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, that is a wide question to answer. There are quite a number of engineers overseas already in the United Kingdom, some in the United States and some in the Eastern countries. There are also some in the Royal College here. I cannot give the—

The Speaker (Mr. Slade): Order, order, will hon. Members be silent enough for these answers to be heard.

The Minister for Works, Communications and Power (Mr. Mwanjumba): I cannot give the exact figures, Mr. Speaker, as this is just outside the question.

Mr. Ngala: Arising from that reply, Sir, can the Minister undertake to supply these figures which the hon. Member has requested in writing?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Yes, Sir.

Mr. Ngala: Could the Minister explain what proposals there are in the Ministry for promoting Africans in these engineering posts?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, before somebody can be an engineer, he has to have an engineering degree from a university. As I say, the Ministry is doing everything to see that as many Africans as possible are attending courses, both locally and overseas, which will give them an engineering degree.

Mr. Warithi: Can the Minister tell the House the number of African engineers in his Ministry, and their respective qualifications?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Yes, Sir. Already we have seven engineers in the Ministry. The qualifications are that all those seven engineers have a degree in engineering.

Mr. J. M. Kariki: Mr. Speaker, Sir, in the reply, the Minister said that the people should have a degree. Will the Minister tell this House whether some of the engineering degrees from the Commonwealth countries are not recognized in this country?

The Minister for Works, Communications and Power (Mr. Mwanjumba): No, Sir, I am not aware of any degrees from Commonwealth countries which are not recognized here.

Mr. Khasakala: Mr. Speaker, Sir, could the Minister tell the House how many of these officers are holding degrees in his Ministry in all?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I have said that seven of these officers in the Ministry have engineering degrees.

Question No. 123

AFRICANIZATION: CHAIRMAN OF PUBLIC SERVICE COMMISSION

Mr. Ngel asked the Minister of State, Prime Minister's Office, to state when the post of the Chairman of the Public Service Commission would be Africanized, and to what extent the machinery of Africanization was being Africanized?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to reply. The procedure for appointing and removing members of the Public Service Commission (including the Chairman) is laid down in section 186 of the Constitution of Kenya. According to that section, members are appointed to hold office for periods of three years. They may be removed from office "only for inability to exercise the functions of their office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and may not be so removed except in accordance with the provisions of this section". Of course, a member could, for example, die, retire or resign before the expiry of his term of office, in which case a vacancy would arise and a successor would have to be appointed. When a vacancy arises in the future, consideration will be given to the Africanization of the post of Chairman of the Public Service Commission, in accordance with the procedure laid down by the Constitution.

As regards the second part of the question, it is not clear what is meant by "the machinery of Africanization". Nevertheless, Permanent Secretaries are the main instruments for implementing the Government's policy on Africanization in their

[The Minister of State, Prime Minister's Office] respective Ministries and, as Members know, all Permanent Secretaries are Africans with the exception of one (the Permanent Secretary to the Treasury). In so far as the staffing of the Directorates of Personnel is concerned, we already have an African Director of Personnel, an African Assistant Director of Personnel, an African Senior Assistant Secretary and an African Assistant Secretary.

Mr. Ngel: Could the hon. Minister of State to the Prime Minister's Office tell this House whether the present Chairman to the Public Service Commission does not fall under section 186, subsection (ii), paragraphs (a), (b), (c) or (d)?

The Minister of State, Prime Minister's Office (Mr. Murumbi): I did not quite get the question, Mr. Speaker.

The Speaker (Mr. Slade): Do you want it repeated?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Yes, please.

Mr. Ngel: Would the Minister of State to the Prime Minister's Office tell this House whether the present Chairman of the Public Service Commission does not fall under section 186, subsection (ii), paragraphs (a), (b), (c) or (d), or subsection (v), paragraph (a)?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I do not know in what way he follows these sections.

Mr. Ngel: Mr. Speaker, Sir, may I give my hon. friend a simpler question? How long has this Chairman been in the Public Service Commission as the Chairman?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Since the implementation of the new Constitution, Mr. Speaker.

Mr. Ngel: I would like to know whether this present Chairman, the present one, has been interested in the Legislative or Regional Assembly elections, because that qualifies him. Could the Minister tell us that? I mean it disqualifies him as Chairman.

The Minister of State, Prime Minister's Office (Mr. Murumbi): You are asking me whether he is a member of the Regional Assembly?

Mr. Ngel: No, Mr. Speaker, Sir, I will ask the question again. I would like to know whether the Minister of State to the Prime Minister's Office can tell this House whether the present Chairman has

been interested in the Regional Assemblies, House of Representatives or Senate elections?

The Speaker (Mr. Slade): I think the trouble is that your word "interested" here is a bit vague.

Mr. Ngel: I want to know if he has shown any interest.

The Minister of State, Prime Minister's Office (Mr. Murumbi): His interests are of no concern at all to this office, Mr. Speaker.

Mr. Kall: Mr. Speaker, can the Minister tell us who appoints these members of the Public Service Commission, what method is used, and whether the Cabinet has any say in their appointment?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Appointments to the Public Service Commission are made by the Governor-General.

The Speaker (Mr. Slade): I am afraid I cannot allow a lot of supplementary questions about matters which are written in the Constitution. It is one of our Standing Orders that questions shall not be asked the answers to which are to be found in public documents. The answers to most of the questions are here, not Mr. Ngel's but others.

Mr. Ngel: Can the Minister of State to the Prime Minister's Office assure this House that there has been no prejudice in the machinery of Africanization by appointing Africans into supernumerary posts?

The Minister of State, Prime Minister's Office (Mr. Murumbi): The appointments are not prejudiced in any way. Appointments are made by the Public Service Commission entirely on merit.

Mr. Seroney: Mr. Speaker, Sir, does the Minister agree that the least Africanized region is the Rift Valley, and what steps is he taking to Africanize the Civil Service posts in that region?

The Speaker (Mr. Slade): That does not arise.

BILL

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The Chairman (Mr. De Souza) took the Chair]

THE TRADE DISPUTES BILL

(Resumption of proceedings in Committee interrupted on 17th March 1964)

The Chairman (Mr. De Souza): Hon. Members will remember that when the House adjourned yesterday, we were discussing clause 8 of the Trade Disputes Bill, 1964. We will read that a gain—

Clause 8

Mr. Malinda: Mr. Chairman, I would like the Minister to explain something in this clause. It says, *inter alia*, "provided and if the parties to the dispute consent". It also goes on to say—this subsection (3)—"as may be agreed by the parties to the dispute, or failing such agreement, as the Minister may in his discretion determine", that he can appoint a sole arbitrator. Mr. Chairman, yesterday, the Opposition labelled the Minister a "small dictator". I would like it to be made quite clear that this is not one of the points which gave the Opposition the chance to say that he was going to be a dictator. If the two parties disagree on the Minister taking this matter to arbitration, it seems as if he can just do it himself, appoint a sole arbitrator to arbitrate in a matter on which the two parties to the dispute are not in agreement.

I would like to have this matter cleared up.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I think the hon. Member has read the relevant words. The relevant words are, "failing such agreement"; in other words, if they do not fail to agree, there is no need for this procedure, but if they do not agree, and the dispute persists, then there must be an alternative way of doing things and that is all which is being provided for here. Government's position is that that cannot be regarded as dictatorship, when you first give people a chance to agree and, only if they do not agree, you help them to resolve the matter by referring it to an impartial person.

Mr. Malinda: Mr. Chairman, if the parties reach deadlock under clause 6 and clause 7, then clause 8 comes in, and it is there—the appointment of the arbitrator—as I read it here, must be agreed upon by both parties to the dispute. However, suppose they do not agree to go to arbitration? What happens then? The Minister goes and appoints a sole arbitrator.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I think the Member understands the clause. It merely refers to failing to agree on the arbitrator, as far as this part is concerned. It is the appointment of the arbitrator. You can read it in two ways: either the parties agree on an arbitrator, or an arbitrator with assessors or, if they fail to agree, the Minister appoints a sole arbitrator.

Mr. Maruli: Let's look at the facts in clause 8, paragraph (2), where it says "Before deciding whether or not to refer a trade dispute to arbitration under this section, the Minister shall consider—

(a) which matters in dispute are, and which are not, appropriate for settlement by means of arbitration . . .

I wonder how the Minister will decide what matters to take to arbitration or to the court and who will help him in sorting it out? It looks as if you are becoming a small dictator as we call it.

The Minister for Labour and Social Services (Mr. Mwendwa): I think it is better that Members know that, apart from this machinery, we have what we call the Industrial Charter which actually has all these things laid down, and therefore, the Minister is quite capable of finding things which are already in the Charter in order that he may decide whether a matter should go to arbitration or a Board of Inquiry.

(Clause 8 agreed to)

Clause 9

Mr. Warlithi: Mr. Chairman, Sir, this clause 9 deals with the Industrial Court and we have clauses 6 and 8 which provide for the machinery which has been in existence. Clause 9, as we were told by the Minister when he was introducing the Bill, is a new innovation in the Bill, the establishment of an Industrial Court. What I would like to know is why it has been found necessary to establish an Industrial Court. Is it that the machinery which was there before has failed or is it that the old machinery is not going to be used?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): The reason behind establishing the Industrial Court is that, in the past, we relied entirely on some *ad hoc* machinery which consisted of appointing an arbitrator from time to time. The difficulty experienced in the past is that, at times, you had someone available immediately and at times you did not get someone immediately, to sit on an Arbitration Tribunal. Also, it meant that at times when you needed a very specialized person and could not get him, you had to accept the services of a second best in order to facilitate arbitration immediately. By setting up a permanent court, we will be able to appoint persons who are capable and who will be available at all times when matters should be referred to them and that will eliminate the delay that has taken place

The Minister for Justice and Constitutional Affairs

in the past. We will also be able to make available the expert persons at all times and, what is more, we will be able to build up a body of precedence that can be used in most of the cases as they arise from time to time.

Mr. Mutiso: Mr. Chairman, Sir, does the Minister not agree that these other clauses, 6, 7 and 8, are entirely irrelevant, since clause 9 now establishes the Industrial Court and the workers cases should be taken immediately as soon as they arise? Therefore, it would merely be delaying the workers privileges to go through this other old machinery rather than sending their grievances straight away to the Industrial Court?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): We consider that, if we accepted this argument, then the Court would be sitting every day throughout the year and we may need more than one court. If we are going to take every single difference to the court, that procedure, in itself, would be a most expensive exercise. But apart from that, there is the matter of principle, which is that we have accepted in our approach to industrial relations, that we must always stand by free, voluntary, collective bargaining and these various machineries or stages are available to process these disputes, so that only the most difficult and the genuinely difficult cases will reach the Court. But we prefer that the more of these disputes that can be resolved by the people themselves in industry, the better.

Mr. Shikuku: Mr. Chairman, I am not quite in the light as to how these two points could be reconciled. If we refer back to clause 8 (6), there is a Tribunal consisting of one arbitrator, and here we have an Industrial Court. Are we not actually multiplying the work because we have someone in the Arbitration Tribunal and, at the same time, we have an Industrial Court? I would like to know from the Minister if the person in the Arbitration Tribunal is of the same calibre or of the same qualifications as the person in the Industrial Court?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): As I understand it, the Member raises two different questions: One is the qualification of the person, and the other one is whether there is duplication. The answer is there is no duplication whatever; there is available a number of channels which may be used and, therefore, the trade unions and the employers have a variety of ways by which to resolve their

disputes. As far as the qualifications of the person is concerned, it is quite possible that in one Tribunal you will have a person of very high qualifications; depending on the nature of the dispute he is going to deal with. In other cases, it may require general knowledge of the industry, and so on and so forth. We do not lay down, just now, the qualification of any person in this Ordinance.

(Clause 9 agreed to)

Clause 10

Mr. Khasakala: Mr. Chairman, Sir, can the Minister consider including in this clause an item binding for, say six months, for appeal, where an award is given by a Tribunal or an Industrial Court so that this cannot be abused by the workers or the employers?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, we prefer to adopt the present system in which, within the freely negotiated agreement, there is a binding clause of twelve months and, in some cases, 24 months; but this is voluntarily negotiated by the unions and the employers themselves, and we prefer to leave it that way, rather than have it in the legislation here. But in the case of the Essential Services Ordinance or Act, there is a binding clause of six months, but you do not want to apply that to all industry, because the situation can change so fast and, if you have a binding clause, you may have a completely different problem within three months. We want to leave this flexibility to allow for free collective bargaining.

Mr. Mutiso: I do not quite understand section (2) of this clause where it says that "an award shall be published in the Gazette, and shall take effect on the date of such publication," and again below: "provided that where an award is expressed to have retrospective effect it shall on the date of its publication in the Gazette have effect as from the date specified in the award". Here, Mr. Chairman, I would like the Minister to satisfy me, because it does seem that when the workers negotiate for their wages and the award is backdated, it does not take effect from the date when they agree with the employers.

Mr. Agar: Is it fair to this House when it is debating a Bill, the policy of which will have to be implemented by one Minister, that the answers and explanations should be given by another Minister, who will not be directly concerned with the implementation of this Bill?

The Chairman (Mr. De Souza): Mr. Agar, yesterday I sent out two Members who asked exactly the same question. You obviously did not hear it yesterday so we will let you stay, but please do not let us have that again. The Government is entitled to choose any Minister or set of Ministers they would like to deal with any Bill or with any particular matter.

Mr. Ngala: On a point of order, is it not correct that if the Government chooses one Minister then he does it throughout?

The Chairman (Mr. De Souza): No, no, not necessarily. It is quite in order for the Government to choose which Minister they would like for any question.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, for your information, I do not want the House to have the wrong impression that I cannot answer this. I can, but it was said yesterday in the House that the hon. Minister for Justice and Constitutional Affairs is the man who deals with the law and, as a matter of agreement, as this has been drafted in his Chambers and not in my Ministry, it was said that he should answer. But I am able to answer any question, Mr. Chairman, and I want this to be corrected.

The Chairman (Mr. De Souza): Order, order. Let me give my final ruling on this. It is entirely up to the Government and the Ministers concerned to decide who is going to answer to any particular question. We, of course, completely accept the competence of each and every Minister to answer the questions.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I am sure that absence and ignorance of a Member should be no excuse for wasting the time of the House.

Mr. Ngala: Oh, but you are ignorant yourself!

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Would you like to open yesterday's Debate?

The hon. gentleman, the Member for Yatta, is an ex-trade unionist and I thought he would very quickly understand the object of clause 10. (2). It merely means this in very simple language: that normally an award will have effect from the date it is published in the *Kenya Gazette*. If the *Gazette* is published on the 18th March, the award will have effect from the 18th March; but it is possible that, within the award, the court may stipulate or state that the award should have effect from the 1st January 1964 and, therefore, the operative date becomes the

1st January 1964, and not the 18th March 1964. It facilitates backdating.

(Clause 10 agreed to)

(Clause 11 agreed to)

Clause 12

Mr. Omar: Mr. Chairman, clause 12, subsection (2) where it says,

'A board of inquiry shall consist of one person or two or more persons including a chairman, as the Minister sees fit to appoint . . .'

Now, my question is about the composition of the board of inquiry. I think it is not fair for the board of inquiry to consist of one person; it should consist of two persons or three persons and not just one person. If it only consists of one person, it may not give a proper judgement on the dispute.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, if the hon. Member will just read section (3), it says:

'A board of inquiry consisting of two or more persons . . .'

That does not give any limitation at all. The board of inquiry may have three people from each side, three people from the employers, three people from the employees and about three from the Government side. There is no limitation at all; it depends on the agreement between the three parties.

Mr. Shikuku: Referring to the same subsection, it is not stated anywhere that the Minister is required, before appointing any people, to seek the agreement of the two parties concerned. It is just a question of the Minister appointing as he thinks fit, and without taking seriously into account the two parties concerned in the dispute.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, although here, in this clause, it does not specifically say that the Minister should consult the interested parties, in the normal way, he does. For example, there was a board of inquiry at Mombasa the other day and all the Members who were on the Board were agreed upon by the two parties. I gave the names and they agreed that they wanted these people. I usually do that, that is what is done.

Mr. Ngala: Mr. Chairman, does the Minister not deem it right that if the practice is seeking the consent and not consultation of the parties concerned, does he not deem it right that it should be included in the law?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, we have said more than once that, in this kind of thing, we are dealing with human beings and human relations and we must have flexibility. If we write into the law that there must be consent and then there is no consent, would it then be the position that we let the dispute drag on because we did not get consent? We must be reasonable; we are dealing with reasonable people, I hope, and you must expect that the Minister will act reasonably.

Mr. Ngala: Mr. Chairman, I think at least the conciliation, which would give some kind of protection to the workers or the parties concerned, should be included in the Bill. The conciliation does not preclude the Minister in any appropriate way if he is faced with a difficult situation. Why it should not be mentioned here, whereas the Minister, in fact, has authority to act according to basic practice, I cannot understand.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): It is our submission that this addition would be redundant and it is our submission that both parties are quite happy with this as it is drafted now and they should know better than anyone else.

Mr. Makone: Under clause 12, if, after the Board of Inquiry has investigated the matter and the matter is brought before the court, is there any objection if the unions employ an advocate to represent their views in the court?

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Chairman, under subsection 5, it states that the Report is made to the Minister and not to the court.

The Chairman (Mr. De Souza): I think the question is, is there any objection to advocates appearing?

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): They can have any representative to represent their interests as they see fit.

(Clause 12 agreed to)

Clause 13

Mr. Shikuku: It is stated here in clause 13 that:—

'Save as expressly provided in this Act or in rules made under this Act, the Industrial Court, and any Arbitration Tribunal or Board of Inquiry appointed under this Act, may regulate its own procedure and proceedings as it thinks fit.'

I remember a little while ago I did try to find out from the Minister how the two courts, the Tribunal Court, or the Arbitration Tribunal Court, and the Industrial Court could be reconciled. In the Industrial Court and the Tribunal Court, and even the Board of Inquiry which are also included in this section, are they going to work at the same time or does it mean that the dispute will have to go through other processes?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): It does not, with respect, suggest anything of the sort. That is a very far-fetched argument. It merely states that these three different machines or set-ups can regulate their own procedures. When you have an Arbitration Tribunal sitting, it will determine its own procedure. When you have a Board of Inquiry sitting, it will determine its own procedure and the Industrial Court will determine its own procedure. I hope the hon. Member understands procedure.

QUORUM

Mr. Agar: On a point of order, Mr. Speaker, we do not have a Quorum.

The Chairman (Mr. De Souza): No, we do not, right the Division Bell.

(The Division Bell was rung)

The Chairman (Mr. De Souza): We have a Quorum now.

(Clause 13 agreed to)

Clause 14

Mr. Makonda: Here again, I wish to have some elucidation. It says in subsection (1) that:—

'The Industrial Court, and any Arbitration Tribunal or Board of Inquiry appointed under this Act, shall not be bound by the rules of evidence in civil or criminal proceedings.'

Mr. Chairman, these bodies, and especially the Industrial Court, and the appointment of them, is done by the Chief Justice, who will inevitably be a judge or a magistrate qualified in that particular field. When it comes to the taking of evidence, this section implies that the Industrial Court shall not be bound by the rules of evidence for civil or criminal proceedings. I do not understand why. If it is a court of law, it is a court where justice should be done, and, in my view, Mr. Chairman, I would like further explanation as to how this is going to work.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Strictly speaking, these are not courts of law. The Industrial Court is intended

[The Minister for Justice and Constitutional Affairs] to facilitate peace in industry, agreement and understanding, and there must be this flexibility in its working so that even they have room to get to the bottom of the problem, rather than be bound by the procedures which say you may not act on this kind of question and an advocate can stand up and say he objects, and all that sort of thing. All that is being eliminated and it is only so that it becomes flexible and less formal than the normal courts of law.

(Clause 14 agreed to)

(Clause 15 agreed to)

Clause 16

Mr. Omar: Mr. Chairman, in the last paragraph of this clause, it says they can be represented by an advocate or they can be represented by any person. But the Minister for Justice and Constitutional Affairs has just said that this is not a court of law where an advocate could come and raise his points. Under this clause, it says, "under this Act to appear by advocate or to be represented by any person". How is it that this is allowed under this clause when the Minister for Justice has just said that it is not a court of law?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): If it was a court of law, he could not be represented by any person; he could only be represented by an advocate. In this case, we are flexible enough to state that they may be represented by an advocate or by any person which one cannot do in a court of law. The advocate, when he appears before an Industrial Court or Tribunal, will represent his clients but not necessarily under the same procedures as those he would be subjected to in a court of law. That is precisely what this clause means.

Mr. Shikuku: Here we have an advocate coming to this Arbitration Tribunal or this Industrial Court. He is a qualified man in law, so would he then, if he did not agree with any of the rulings of that court, not also have the right to object, and if he did, would that be against the Industrial Court's own rules?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Not at all, even the layman would have the right to object. This is the difference and you do not determine whether or not legal procedure is being followed by a person having said he objects or he does not object. The advocate will appear like anybody else. He might be useful to his client and, on the other hand, if

he has not got an industrial background, he might not be useful, but that is a risk which the client takes.

(Clause 16 agreed to)

Clause 17

Mr. Omar: Mr. Chairman, in this clause, it says, "... under sections 8, 9 or 12 of this Act, the President, Chairman or other person conducting the proceedings may in his discretion admit or exclude the public or any representative of the Press to or from the proceedings or any part thereof." Now, Mr. Chairman, I feel that this is not fair for the Chairman to have the power to exclude the public when this Board of Inquiry is sitting. I feel that the public should be allowed to attend, and the Chairman should not have the power to exclude anybody.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, even today the courts can do the same thing. Sometimes, the information or the judgement is completely outside the reach of the Press. Even Parliament does that at times. For example, when we are voting in a Division, we do not allow the Press here. Therefore, these courts must be given that chance to say at any time that the decision or judgement is out of the reach of the public, including the Press.

Mr. Shikuku: I think the Minister is replying to a different thing. The question referred to by the last speaker from this side of the House was that he wanted these people to be allowed to attend, not only at the time of judgement but to be able to follow up the proceedings right from the beginning. They may, of course, if the courts so decide, be excluded when the judgement is being given. But what we are trying to find out from the hon. Minister is why he should not allow the public to attend the court right from the beginning?

The Minister for Labour and Social Services (Mr. Mwendwa): If the hon. Member was listening to my answer, I think the previous speaker was satisfied with the answer. There is a word here, "may," and that is what it means, that sometimes they "may" allow people to come in, sometimes they may say no, it depends on the nature of the matter which is being discussed.

Mr. Omar: Mr. Chairman, can the Minister tell us what would happen in the case of a party who wanted a person to give evidence to the Arbitration Tribunal or Board of Inquiry, and under this clause here, the Chairman, used his power to exclude such a person?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, this has nothing to do with the giving of evidence. The giving of evidence is always allowed, otherwise how can you have a court? This evidence is not allowed to be excluded; it has nothing to do with the attendance or presence of the public or Press.

Mr. Mutiso: Tell me, Sir, in subsection (2) it states that where the members of the Press are permitted, they are not allowed to publish the proceedings of this Industrial Court until the word is given. I would like to know from the Minister why he thinks that is right to do so, because I feel, Mr. Chairman, that the workers' case is a public matter which should be made known to their right from the beginning up to the end of the case.

The Minister for Labour and Social Services (Mr. Mwendwa): You are right. I think the hon. Members are aware that if the proceedings are not confidential and the Press is allowed to publish what is going on, then there will be a lot of pressure from both sides: from either the employers or from the unions who will say this should not be done, even before it is done. Therefore, it puts the court in a very awkward position. Therefore, it is better that any outside pressure is avoided by keeping the matters confidential until there is a decision.

The Chairman (Mr. De Souza): No, I think the question—

The Minister for Justice and Constitutional Affairs (Mr. Mboya): May I clarify this point?

The Chairman (Mr. De Souza): Yes.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): The first part of subsection (2) relates to the right of the Press to publish in news form what happened in the court, and all it requires is that this should be an accurate report or summary of the proceedings. This may be published so that the case of the workers or the employers does not suffer. There is just the news. What it says they may not do in the second part of this subsection is that they may not comment on the issue before the final word is given. Comment in other words—decide who is wrong or right. They can publish the news but not say "in our view so-and-so ought to be done".

(Clause 17 agreed to)

Clause 18

Mr. Malinda: Mr. Chairman, I would like the Minister to state here in clause 18, subsection (2),

whether there is no case of duplication or of overriding the powers of the Industrial Court, Arbitration Tribunal or Board of Inquiry which also may lay down their rules of procedure as stated in clause 13. I see it is stated in this clause here (clause 18) that the Minister may also make rules of procedure. I would like to ask, Mr. Chairman, why this is necessary?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): You have given your own answer.

Mr. Malinda: Mr. Chairman, I do not understand here. The Minister here has power to regulate matters of procedure, whereas, again, in this clause, the court or the Arbitration Tribunal also have power to regulate matters of procedure.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, this clause 18 (2) merely permits the making of regulations. It does not say "shall make", but "may make". The Minister may or may not make rules. If the Minister takes on these powers and makes the rules, then the court may, subject to those rules as is expressly stated in clause 13, which provides for the position in which the Minister may make rules. If he does not make rules under clause 13; the Tribunal or the court may make all the rules.

(Clause 18 agreed to)

(Clauses 19, 20 and 21 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, Sir, I beg to move that the Trade Disputes Bill be reported to the House with amendment.

(Question proposed)

(The question was put and carried)

(The House resumed)

[The Speaker (Mr. Slade) in the Chair]

BILL

Report, Consideration of Report and Third Reading

THE TRADE DISPUTES BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Trade Disputes Bill, 1964, and its approval of the same with amendment.

The Speaker (Mr. Slade): As the amendment is so small, and this being the last day of our sitting, we can take the Consideration of the Report now, if you like.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report.

The Minister for Justice and Constitutional Affairs (Mr. Mboya) seconded.

(Question proposed)

(The question was put and carried)

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I beg to move that the Trade Disputes Bill be now read a Third Time.

The Minister for Justice and Constitutional Affairs (Mr. Mboya) seconded.

(Question proposed)

Mr. Omweri: Mr. Speaker, Sir, there was a point I was asking yesterday about finding out if this Bill could include a suggestion of getting at the causes which usually lead to these disputes between the union and the employers. This Bill, as we debated it yesterday, only gives the treatment side, and we wondered if the Minister could tell us whether he has got another provision for the Ministry of Labour to try and find out a way for reducing the number of disputes, by way of telling the workers and unions and employers how they can run their business smoothly, so that these disputes are at least reduced to a minimum. This clause does not appear anywhere in the Bill. I wondered if the Minister could assure the House that there is provision somewhere which is going to come up for this clause to safeguard and to reduce the number of disputes from coming up time and again.

The Speaker (Mr. Slade): This obviously concerns the prevention of trade disputes rather than the cure, but this Bill is only concerned with the cure, so the prevention is not really relevant to this Bill. Nevertheless, when the Minister comes to reply, I have no objection to him answering if he would like to do so.

Mr. Ngala: Mr. Speaker, Sir, I will not be long. I would have obstructed this Bill being read a Third Time but I understand that we have to close. I would ask the Minister this. In this Bill, there have been various places where the wording could have improved the smooth running of trade disputes, such words as "consultation with

the various parties". Government has clearly stated that, although they see the need for using such words as "consultation", it is not their policy to put it in relation to the various parties. At the same time, they have indicated that they do consult the parties. We have insisted that where the word "consultation" is required, we feel that for better understanding between the Minister and the parties concerned, that word should be included. This is apart from consent, Sir. We appreciated the difficulties with which the Government is faced, as far as the use of words are concerned, but I think definitely, that the word "consultation" should be used where it is appropriate.

As I said, we would have blocked it, but I hope the Minister will give this his last consideration.

Mr. Gichoya: Mr. Speaker, Sir, I have very little to say on this Bill: it uses very good machinery and is an instrument for making the workers feel that there is an independent body to which they can take their problems. The only point which has not been very clear to me, is the operation of this Bill in connexion with the East African Common Services Organization, in so far as the employers are different. The employers of the workers in the Common Services Organization are either in Kenya, Uganda and Tanganyika. I wonder whether the Central Legislative Assembly is going to approve this Bill, too, so that it covers that, or if it is no longer going to effect the East African Common Services Organization. Nevertheless, if that is not the case, there is another point which I thought was appropriate for me to get clear today. The point is that which was denied yesterday in this House during the Committee stage, was accepted somehow by the same Minister.

In so far as this Bill and the Agreement which was mooted by the Minister are concerned, how far are they connected? The Minister rejected the suggestion that this Bill has nothing to do with the Agreement, which I think is very right, and again we have had a contradictory statement that it did have something to do with it.

Those are the things I want to be made clear to me. The Tripartite Agreement will have to get other machinery to give it legal backing. Otherwise, this Bill is meant to facilitate the methods of settling disputes amongst the workers and the employers if they are involved, as far as they are united in the form of a trade union or an employers' association.

When those things are made clear to me, I shall be very happy to support this Bill.

Mr. Shikuku: Mr. Speaker, Sir, I do not think I have much more to say, but I want to raise one point. This is that I was not quite happy with the attitude expressed by some of the hon. Members on the other side of the House, particularly the Minister concerned, as far as clause 5(b) is concerned. It is indicated that the Minister should have the right to reject or accept any dispute. I did, however, point out that this was a very important Bill intended to create a better understanding between the workers and the employers which would facilitate the economic running of the country. I feel here that there will be some trouble in the future.

An hon. Member: What trouble?

Mr. Shikuku: The trouble will arise in that we shall get, as we have already heard here, some of the people concerned. Those who have some interest, might go round to the Minister and perhaps, get him to give a ruling against the wishes of the workers, just because they happen to have someone, directly or indirectly, concerned with the particular firm which is registering a dispute with the Minister. We have also been told that a Minister is not supposed to be a director of any private firm, but that his wife could be. Here is a case—

Mr. Odero-Sar: On a point of order, Mr. Speaker, is it in order for an hon. Member of this House to cast aspersions on the integrity of a Minister?

The Speaker (Mr. Slade): It is quite in order for an hon. Member to say that some Minister, either at present or at some future date, might be involved in a conflict of interest through his wife.

However, Mr. Shikuku, I am afraid I have to stop you on your argument now, because you are getting into too much detail. The scope of debate on Second Readings and on Third Readings is limited to debates on the principles as a whole. A discussion of the details is reserved for the Committee stage. On a Second Reading that is relaxed, because it is convenient for the Government to hear some discussion of detail in anticipation of the Committee stage, and hon. Members may seek some assurance that, if they are not on certain details, they can safely accept the principle. But when you come to the Third Reading, it must be strictly limited to the general principle. I am afraid we cannot go back now to particular provisions of clauses.

Mr. Shikuku: Thank you very much for your ruling, Mr. Speaker. What I was trying to put

over is the dictatorial attitude implied in this business, and—

The Speaker (Mr. Slade): If you are speaking on any general principle of the Bill, you are quite in order.

Mr. Shikuku: Yes, on the general nature of the Bill, and I hope that the Minister concerned will take into account the suggestions made by Members in this Parliament, and act accordingly as this will help a great deal in the future to get better understanding between the employers and the workers. It is our duty, Mr. Speaker, to try and help the Government to run its affairs and also, to try to make the Government run smoothly, to take into account the views its persons have, so that we can get the workers to go along with us. If that spirit can be maintained, Mr. Speaker, I think Kenya will be the happiest place. I hope the Minister will note that.

Mr. Bala: Mr. Speaker, Sir, I have only one point to make on this Bill. In fact, I know most of the Ministers here have accepted the idea that, under a Bill of this kind, the relations between the workers and the employers should run smoothly. However, I am rather perturbed with regards to section 7(1) whereby it is stated that—

The Speaker (Mr. Slade): I hope you noted what I just said, about the scope of this debate, Mr. Bala.

Mr. Bala: I was just referring to it on the general line, I was not going to be specific.

The Speaker (Mr. Slade): Well, do not refer to a particular subsection in that case.

Mr. Bala: I know we do not have many employers in this House; in fact, the employers' views are also represented by us, but I think, while implementing the law which we have now passed, I hope the Minister will be fair to the employer, because these days the trade unions' voice tends to be much louder than that of the employers. The employers' views are always heard in certain circumstances. It is taken as a general principle that the employees are always right. I also hope that the Minister will not, whenever anything is reported to him, take action without considering the views of the employers, because I have had some experience in this matter. At one time, you find a group of employees, may be 10 per cent or 5 per cent of a group, running to the labour offices, to report, and without proper investigations, the Minister declares that there is a trade dispute. In any group of people, you normally find certain people

[Mr. Bala]

who are out to create trouble. I hope, while implementing this, the Minister will try to investigate also the employers' interests as well, not only the employees' interests. The employer and employees should, normally, have one common ground where there should not be injustice to one particular party.

Mr. Speaker, Sir, with these few remarks, I beg to support the Bill.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I think I have to thank the hon. Members for really seeing that this Bill is passed. I have only a few remarks to make.

One hon. Member did say that in the Bill we have said nothing concerning the reasons which lead to a dispute. I want to assure the hon. Members that the reasons leading to a dispute are always in the report which comes to the Minister in order that he may consider, or decide that there is a dispute. Again, the reasons are covered very well in the Industrial Charter, which is document agreed by both workers and employers. So, we could not cover these reasons because they are already covered.

With regard to consultations which the hon. Leader of the Opposition raised, if he will read the Bill carefully, he will see in every part, almost in every clause, there is a considerable amount of consultation. I would like to assure this House, there has not been a single arbitration or conciliation or a board of inquiry without consulting both the employers and employees. This is done, in order that we may shorten the time which is taken before coming to an agreement.

Another point which was raised by another hon. Member, concerns the East African Common Services. This is a very easy one, as I think the hon. Member will agree with me. When there is a dispute in Kenya concerning the workers who work, say, in the Post Office, we do not go to Tanganyika and ask them to bring people here to settle the dispute. The people in Kenya who manage the Post Office are the people who make agreements with the people here. Therefore, it is right that disputes relating to people who are working in the East African Common Services in Kenya should be covered by any law which concerns people working in other departments too. I think the hon. Member who has asked that question is in agreement with me.

There is one further point which was raised on which I spoke yesterday and that is: whether the Bill which has been passed, has anything to

do with the Tripartite Agreement. This was covered yesterday. I hope Members understood what was said. I do not think it would be right for me to start repeating things which were said yesterday.

The next point which I want to clarify is this. One hon. Member said that the Minister in charge of the Ministry may not act impartially because, he has an interest, or his wife is a director of a certain company. Mr. Speaker, let us be practical here. I do not know if there is any Minister who is not interested in one way or the other, who is not interested in anything, call it life call it health call it what you like. He is interested. He may have somebody in hospital, or in trade, or in farming and therefore, we cannot say that a Minister will act this way because he has an interest in his relative. We have to depend on the Minister. We have to depend on the Minister who has the interest of Kenya at heart, and who will act this way whether his wife is there or not. I do hope the hon. Members will depend on me in this matter.

One of the hon. Members asked that the employers should be protected. I would like to tell this House that the employers have the biggest voice, they have their own federation and, if there is any dispute, they have every opportunity of bringing forward their complaints. If there is any dispute or claim, the employees come and put their case to me. Therefore, when I appoint a board of inquiry, the employers are well covered. An agreement is always made so that there is industrial peace throughout the country for the economic well-being of the country.

With these few remarks, Mr. Speaker, I beg to move.

(The question was put and carried)

(The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

MOTION

STATUE OF THE PRIME MINISTER

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I have the honour to move the following Motion:—

THAT this House warmly welcomes arrangements made by the Government for the construction of the statue of the Father of our Nation, Jomo Kenyatta, and further welcomes the suggestion made for the statue to stand in front of Parliament Buildings.

[The Minister for Home Affairs:]

Mr. Speaker, in moving this Motion, I must not be too long. As the Motion itself indicates, we are honouring our father of the nation. The name, "Father of the Nation" is unique, but this is not the first time that the name "Father of the Nation" has been bestowed upon Jomo Kenyatta. It was bestowed upon him by all the nationalists who have struggled for independence, and I can say that Jomo Kenyatta, together with those who began the movement of actually putting Kenya on the map, of all his contemporaries he is one of those rare personalities in Africa who has stood the brunt of the battle until the end. As a young man he was in contact with the British Imperialist Government here and also with the settler community in Kenya, and he later came to the conclusion that the only thing to save the African people of Kenya and to build a nation for Kenya was for him to take part in the struggle of instilling in the African people the spirit of manhood, the spirit of the equality of humanity. As a result, he was part of a delegation sent to London which went to plead with the British Government for the settlement of some of the land grievances among the African people and also to say that the African people needed equality of treatment and also fair dealing by the Government. This he did very efficiently, and when his pleas fell on deaf ears in Great Britain, he continued the battle, even in Hyde Park which is well known in London. Kenyatta's name rang there very clearly. He went on fighting for eighteen years, and with all those pleasures in London and lots of other things too, nothing deterred him from pursuing the course which he had set. He dedicated himself until he returned to Kenya. When he returned to Kenya in 1946, he still continued with the battle and this time he whipped up emotions, the spirit of nationalism in the African people. We, who had at that time suffered in all walks of life, knew how much we had been suppressed until we came to believe that we were not equal human beings to other people. When Kenyatta came into the field, we gained our own personality, our own courage, and then we began to fight, although, at the time we began to fight, we were not sure whether we could run our own Government as well. Our spirit was still trembling, but we went on moving all over the country trying to instil that courage and spirit into people.

When he was arrested later on and taken into prison, where he was actually tortured and passed through all sorts of hard times, still he kept the torch burning in himself. He never wavered this way or that way. He kept on and later, when other nationalists came into Parliament from all

over Kenya and began the struggle to have him released, his name—Kenyatta—became the source of inspiration, the source of courage, the unifying force in all our struggles. He became the symbol of unity among us who were actually in the thick of the struggle. We consider that when he came back into the struggle, we found him still the same Kenyatta; the Kenyatta of 1922 was still the Kenyatta of 1961 when he came out. His views had not changed. Therefore, when he came back, he joined us and led us through all this struggle up to now when he has achieved our independence. We think that we have closed the chapter on our struggle for independence. He led us and continued the battle until we gained our independence. We felt that Kenyatta who founded the nation of Kenya, has continued to be the Kenyatta who saw us through to independent Kenya.

As we are now beginning the first chapter in the history of independent Kenya, there will never be a more suitable time, or a more opportune moment to honour the father of the Nation by placing his statue in front of the seat of nationalism, because it is in the Parliament buildings where our national movements, our national decisions, will take place. We think that his statue should shine brightly and continue to be the symbol of unity, the symbol of our own inspiration on national issues.

Mr. Speaker, I would like to quote to the House what one of our nationalists said when we were going through a most trying time, about Jomo Kenyatta:

"I am speaking of the man who set alight African nationalism and kept it burning. The man who has been the symbol of African nationalism and unity. The man who has set the pace and maintained the race against tribalism, campaigning for nationalism. Why does he deserve the greatest order? Because he has paid the price of freedom for all the people of Kenya with his own sweat, toil and tears, because for forty years he has carried the torch and never once allowed it to drop. He has been tortured, threatened, cursed, dishonoured and even defiled, but never once did he allow the torch to drop. He has carried the torch in Kenya, Britain and in many other countries with dignity and pride which befits a great leader. Cast your eyes back to 1946 when the rule of the British Imperialists was rampant, when every single one of us was being told that our heads were not for thinking but for carrying instructions, that they were not for carrying brains but for rubber stamps. Who challenged this and jolted you into action? Mr."

[The Minister for Home Affairs]

Kenya. He toured the districts, making speeches and summoning everybody to gather the threads of self-respect which had to be made. He called the cry that all people were born equal at the time when most of us had begun to believe that we were born inferior."

The Speaker (Mr. Slade): Mr. Odinga, order, order. I am sorry to interrupt you, Mr. Odinga, particularly on a speech like this, but there is a limit to the amount of quotation allowed to hon. Members.

The Minister for Home Affairs (Mr. Odinga): I was just about to finish. "His singleness of purpose, his determination and steadfastness in the cause of African unity and freedom can be gained by the fact that despite detention over so many years, he never once faltered from the cause. This cause was not a party cause, it was a national cause. Leaders have come and leaders have gone, but there has been only one who has come and stayed to see the accomplishment of African unity, freedom and nationhood in Kenya." That one is Mzee Kenyatta, and it is because of this, that I call upon you to do this great liberator the honour which he so amply deserves by warmly acclaiming the arrangements made by the Government for the construction of the statue of the Father of the Nation, and by unanimously endorsing the suggestion made that the statue stand in front of Parliament Buildings.

Mr. Speaker, Sir, I must say that we were lucky when we were last in London, that we met one of those experts who make statues, and who had made a statue of Dr. Azikwe and one of the President of Tunisia and also for so many leaders in all parts of world. He saw Kenyatta and offered himself saying that he had heard so much about the name Kenyatta and, as such, offered to make a statue of Kenyatta which would be nine feet high. The other statues that he had made he had charged £5,000, but for Kenyatta he agreed to only £2,000. The statue itself is almost ready; it is ready in London and it is being packed and shipped to Kenya and may be here by the middle of April. We also decided that, in order to pay for the cost of the statue and at the same time to pay the cost of erection and so forth, we would invite people to contribute voluntarily. We do not feel it is something the Government should undertake to pay. We feel that those who hold Kenyatta dear, might like to make a public contribution. Therefore, in the Ministry of Home Affairs, we are making receipts and other things ready which will be used for people who contribute. We

estimate that the cost of erection and transportation to this country will be around £3,000.

With this, Mr. Speaker, I beg to move.

Mr. Ngala: Mr. Speaker, Sir, I beg to second this Motion. I second the Motion because the fight or the struggle for Independence is not a party matter. It is a national matter and in Africa it is an African matter altogether. The hon. Jomo Kenyatta is my opponent in this Parliament and a political opponent too outside Parliament; but I must give him credit on this occasion; the African history for the struggle for independence in Kenya clearly reflects this credit on him as a person. So far, Africans of Kenya owe him a debt for his courage and patience and determination. These qualities are worthy of remembrance through the construction of such a statue. As a person and as a politician, he has encouraged many African leaders and inspired them to fight for their own independence. Hence, he is well known in Africa and in the world. We, in the Opposition, cannot raise any objection to the arrangements by the Government to erect this statue.

I agree that this should be done but not so much in the name of the Father of the Nation, but as a pioneer of our fight for political independence, and perhaps not so much as a Parliamentarian—because he has hardly been three years in Parliament—but as the first Prime Minister of our country. I also would like to say that the statue erected in front of the Parliament Buildings will be in the most visible and appropriate place for a statue, because so many of us and also strangers and our children in the future, will be able to come to the Parliament to see this statue in front of our Parliament. I hope the country will not misunderstand this action as a party action. I would like to make it quite clear that such a statue, in the future, should be respected by all Africans for the reasons I have given, because we do not want to overlook the effect that the Prime Minister made for almost forty years before any party was started, either Kanu or Kadu. If it had been on the merits of the party, I would very much have disagreed and not supported the Motion, but because of the personal effort, the personal merit and credit due to the Prime Minister, I have agreed to support it. We as the Opposition do support it.

Sir, I would like to remind my hon. friend, in whose memory the statue will stand, that times are changing very quickly and, because of this, I would remind him that if the goods are not delivered in future, then we would like (as we shall

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remember him when we see the statue) to feel that he is going to continue to deliver the goods to this country. If he does not do that then, of course, there is the Opposition to take over. We shall leave the statue, even if we take over the Government, because we appreciate the reasons for the changes.

I say this as a reminder to the hon. Prime Minister, Mr. Speaker, because, today in Kenya, there are many things which are going on. We find that immediately after independence, Africans are suffering in many ways; there is a lot of unemployment; and there are many other difficulties facing the people; many dangerous difficulties are facing the people. There is *Shifta* activity and, with so many other difficulties, it is proper that, with the erection of a statue like this, we should remind the hon. gentleman that the country will respect him more if he also solves these problems for us. Otherwise, the statue will be the subject of so much criticism and, to some extent, it might be despised. The Father of a Nation, who can watch his people so suffering has a long way to go before he can qualify for such a title as Father of a Nation.

Mr. Speaker, Sir, I beg to second the Motion.

(Question proposed)

The Minister for Information, Broadcasting and Tourism (Mr. Achungi-Oueko): Mr. Speaker, Sir, in view of the importance of this Motion, and due to the fact that it has been supported by the Leader of the Opposition, I wish to move that the Mover be called upon to reply. I think that would be in order, and it would save the House time.

The Speaker (Mr. Slade): For the reasons given by Mr. Oueko, though it is very unusual to have the closure at this stage, I think it is quite reasonable to allow the House to decide.

(The question was put and carried)

The Speaker (Mr. Slade): Mr. Odinga, you have only your Seconder to reply to.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I have very little to add to what I have said. I am most grateful to the Opposition for the way they have treated this national Motion. This is, I think, the first move of its kind, and I hope that it will continue all the time in issues of national importance such as this.

Therefore, Mr. Speaker, I beg to move.

(The question was put and carried)

MOTION**SINE DIE ADJOURNMENT OF THE HOUSE**

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Speaker, in the Order Paper it is stated that at 5 p.m. the Government may move the Adjournment of the House *sine die*. It is only a few minutes to five now, and if it is agreed, I would like to do so at this point.

The Speaker (Mr. Slade): It can be moved at any time, actually.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): May I, therefore, Mr. Speaker, move that the House do now adjourn *sine die*. I do not intend to make any speech.

The Minister for Information, Broadcasting and Tourism (Mr. Achungi-Oueko) seconded.

(Question proposed)

The Speaker (Mr. Slade): I would remind hon. Members that they have five minutes each, and there is a total of an hour and a half for this debate.

Mr. Ngala: Mr. Speaker, Sir, I only have five minutes, but I would like to say three things which I consider to be important.

First, this Government has given the impression that they would like as few sittings of this House as possible, and Members feel quite dissatisfied with the number of sittings that we have and the occasions we have to come here to discuss matters of importance. I would like to draw the attention of the Government to the fact that the more meetings of Parliament you call to hear the wise opinion of the Opposition, the better.

My second point, Sir, is that of the nationalization of land versus unemployment. A very important incident has taken place in Zanibar, where all the land has been nationalized by Government. In the interests of the agricultural industry of this country, I would have thought that the Government should have issued a statement to make it very clear that, in their opinion, they condemn and deplore the nationalization of land as a whole. This would have encouraged the agricultural industry in the country, and would have stimulated farmers who wish to develop their land, particularly as Government would like more people to be employed in different aspects.

Mr. Speaker, Sir, that statement has not been made, the Government has remained quiet, and I hope that, before we adjourn, the Government

[Mr. Ngala] will make its position very clear in regard to this very important matter.

Here, I would like also to say that, as far as unemployment is concerned, the labour registration is not satisfying the people. They are very dissatisfied. People want jobs, but all they are given is cards. People are discriminated against in the classification of the cards, A, B, C, D and E, and they cannot go to the places for employment.

Mr. de Othlippit: Question, question.

Mr. Ngala: It is no use saying question when you refer to Kajado where there is no industry, there is no employment there at all.

Lastly, Mr. Speaker, I would like to touch on the question of adult education. I think it is very important in a country which has just achieved independence, for adult education, to be extended, particularly to the rural areas. This may be very expensive for the county councils, for the regional governments, but I hope the Central Government will make special funds available to the regional governments to make it possible to stimulate adult education, and make the population, as a whole, capable of meeting Government projects of any kind in the countryside intelligently. I do not want the Government to take the attitude, which was taken some three years ago, of closing such an important centre as Jeanes School. I hope this Government will increase and extend these centres which are very important. If I may be regional again, I would like to suggest one at Marialani, as a Regional Adult Course Centre.

Mr. Speaker, Sir, I think we have been dissatisfied generally throughout with the replies by the Ministers. We hope that when we sit next time, the Ministers will do their homework, and come here with completely satisfactory replies, so that we do not have to raise matters on an adjournment, because of our dissatisfaction with regard to replies to questions. There have been, too, several occasions when Ministers and their Parliamentary Secretaries have been absent from this House when they have a Motion concerning their Ministry in progress. This was the Ministry of Labour. I think with the two Parliamentary Secretaries, and I hope Government will make sure that such a thing does not happen again, because it only insults the House.

With these few remarks in my time, Sir, I would like to say that I have enjoyed the sitting.

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, the question of the registration of work-seekers is of great concern to the whole country, and I would like to take the opportunity of this short time to explain some of the difficulties and some of the achievements we have met with so far.

Sir, the speaker who has just been on the Floor has referred in a general way and in a destructive manner to the work we are doing. Already, we have registered over 160,000 people, and the process of finding jobs for these people is going on. Naturally, the Government of Kenya cannot give work to everybody. There are people who must employ themselves; and I do not know of any country in the world where employment is 100 per cent. So, when we embarked on this project, we were catering for the genuinely unemployed people in the country, and not for everybody who wished to enter into wage employment. We were trying to find jobs for genuinely unemployed people, and this is what we are still doing. Mr. Speaker, Sir, yesterday, we called a meeting of all the Senior Labour Officers in the country, to bring them together so that they could discuss some of the problems they had come across during the few weeks when we had been doing registrations. Consultations between the labour officers have given us a lot of constructive experience which we are going to make use of during the time that is left. For the next few weeks, Sir, we shall try to place in employment those people, those job-seekers, who have priority cards. These priority cards have been given to those who have been on the registration books for some time.

After that, we shall try to find jobs for those with cards marked A, red cards, and so we shall go on and on, until, we hope, we find jobs for the majority of the people who have registered. It is not a joke, Sir. We have done our best, and I would like to inform those who are critical that they had better find out what is going on before they stand up and criticize what we are doing.

Mr. Ngala: We know what is happening in Nairobi.

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): The other question I would like to touch on at this time is this: that hon. Members in this House can, I think do a lot for this country if, from time to time, they can make it a point to learn and to try to find out what is going on in the various Ministries, instead of making it a duty only to talk here without finding out the details of the policies of

[The Parliamentary Secretary for Labour and Social Services] the Government. I think this is one of the shortcomings and makes the debates in this House rather uninteresting, because Members are not fully informed on what the Government is doing.

Mr. Ngei: Mr. Speaker, Sir, I must say that I did enjoy sitting in this House during the long session that we have had for the first time, but I would also like to point out—

The Speaker (Mr. Slade): Order, order. Mr. Moinde, you must remember the rule that you must not walk straight in front of hon. Members when they are speaking to the Chair. You must go round.

Mr. Ngei: I would like to say this: that most of the people whom we represent in Ukambani are a little displeased with what has been going on, and I thought that I would like to speak a little on what they have told me, and I am taking this five minutes to let the Government and the Opposition know what the position is. I must say that I am very concerned about this Government. It looks to me as if there is an attempt to show that this Government is not really considering the problems which are confronting the millions of the people of Kenya, and whom this Government represents. It has come to my notice that some people, such as the Opposition, are trying to build a mushroom house out of these very problems which are confronting our people in our constituencies. But I must say that we must, by all means, try and defend the Prime Minister from being brought into international disrepute.

Today, Mr. Speaker, we have a newspaper—if it can be called that—with a picture of the people of Kenya, the Africans, in a barbed-wire fence, like the place where I was about five or six years ago. When this paper is read overseas, then, of course, our Prime Minister is going to be subjected to international disrepute, because he is a man that is known, the Father of the Nation, the man who went overseas to put forward Kenya's point of view and who said that we wanted independence for Kenya. This is another political acrobatic by a newspaper which has printed something which I regard to be very mean. Although it is a fact—and here I am replying to the Members—this is a Government led by a man who started fighting for the problems of these people before we were even born. I say that anything which is trying to bring him into disrepute cannot be tolerated by some of us, and I am sure that the Parliamentarians here will see this as a political manoeuvre. We had the mutinies the other day,

we have had illegal oath-taking, well publicized. Some of these people took oaths during the time of the *Mam Mam* and today they are told that they have been taking oaths again. Some of them took the oath when we were in London and vowed allegiance to our country, saying that they would fight if independence were not granted by the 12th December. Today, they are hushed up in the courts; in the open, an accusation is made against these people who have taken oaths. It has also been alleged by some people that it is the Prime Minister who ordered that people should be locked up for nine years and left to languish in prison for ever. This is said by supporters of the Prime Minister. I regard this as a very serious matter; I regard this as a political manoeuvre that we cannot tolerate in Kenya; we are here to support our Government fully, to support our Prime Minister, but we are not really prepared to see our Government being abused by the publication of photographs showing people behind barbed wire. What I am saying is: that the Government must watch with two eyes, not with one eye, to see that it does not allow something that may bring discord to Kenya. Therefore, I am asking the Members here, before they go, to know that the people, especially in my constituency, are not against this Government. They support it; they are members of the party, the ruling party; they did not take the oath to overthrow the Government as some of the political acrobats are saying.

The Speaker (Mr. Slade): Order, order.

Mr. Ngei: I am sorry, I withdraw that remark, Mr. Speaker.

The Speaker (Mr. Slade): You did not understand me, it is the end of your five minutes.

Mr. Alexander: Mr. Speaker, Sir, we have been told on several occasions by the Government that we should expect an economic plan. So far, this has not been presented to us, and I would urge upon the Government the very urgent necessity of having this ready when we meet again, and, by an economic plan, I do not mean merely a financial statement of Government development. I mean a comprehensive plan covering all the economic activities of this country. Meanwhile, perhaps the Government should deal, within the next few weeks, with some of its own papers, and I refer first of all to page 32 of the Economic Development of Kenya Paper, by the World Bank Mission, where it says: "Decisions taken by businessmen and farmers will be a critical factor in the progress of the economy during the next few years. It is important that the Government should closely follow changes in the business climate.

[Mr. Alexander]

We therefore suggest that the Government should periodically review changes and likely developments in the private sector. We think that the Government should take stock every six months of changes in the economy as a whole." Will the Government come back here, when we next meet, and tell us what they are doing about this paragraph? Will the Government tell us what they are doing about their own Sessional Paper, No. 1, tabled on the 1st June 1963, which was a comment on this World Bank Report? I quote briefly: "The Government considers that one of its tasks lies in providing services and assistance designed to encourage private investment." Will they come here, when we return, and tell us what they are doing about this? On page 2 it says: "The Government believes that assistance to, and co-ordination with, the private sector can be greatly assisted by the recently established Planning and Development Advisory Commission." What is this Commission doing? We have not heard about it. Can we have a report?

Mr. Speaker, I now turn to another fundamental matter that concerns our economy. As a nation, we condemn any form of race or colour discrimination. We, in Kenya, have the good fortune of possessing the most powerful weapon against it which, if we use it properly and wisely, will do more than boycotts, expulsions and visa refusals to combat apartheid in South Africa or elsewhere. By our practical and thorough example of the world in miniature: that in different people of different races having their home in the same country, there is a better and more noble answer for living than apartheid. The reverse of this, Mr. Speaker, is that, if non-racialism fails here by default, we give the discriminators the answer they are waiting for to justify their apartheid. Mr. Speaker, our Government, therefore, has the urgent responsibility, in the weeks ahead before this Parliament meets again, to examine whether, in any feature of our lives, there can be regarded anything that contravenes the non-racial code, particularly in the sector of employment in the context of Africanization, and as regards the use of skills and experience available in Kenya. Is our Government sure that Africanization is not being used to discriminate against non-Africans—a sort of apartheid in reverse? Are we making the best and fullest use of the non-African know-how already here? Is merit always the sole consideration in selection? For example, Mr. Speaker, is it in the best interests of the nation for the Industrial Development Corporation to lose the services of highly experienced non-African businessmen on its Board? To what extent is that happening

to other statutory bodies? Can the Kenya Broadcasting Service survive successfully with the loss of so many of its staff that do not happen to be Africans? Mr. Speaker, Sir, I now wish to close.

Mr. Ouwari: Mr. Speaker, I want to point out to the Minister for Justice and Constitutional Affairs that there are certain Ordinances and laws which, when we were here in the last Session, we were told were to be considered by a Committee chosen for that purpose, to look at these undesirable and discriminatory laws, and that this Committee would be reporting soon on what laws were not wanted and which needed to be repealed. Last week I asked about the Closed Area Ordinances and these particular Acts are still being used on the old policy of divide and rule; and we do not see the need for this particular law. I would ask the Minister to look into this, while we are adjourned, and see to it that this particular law is brought before this Committee.

Another point, Mr. Speaker, which I want to be looked into by the Government, is that we find, at present, that the Ministers or the Government officers, go somewhere for this recruitment, and what I think is that people are not really told of the visiting recruiting teams and we find that Members who are concerned, find themselves facing a lot of questions: to find out why this happened, why were the public not told, and so on. We have had this problem come up time and again in relation to the recruitment into the Kenya Army. I feel that this is being very poorly done at the moment and that the people should be told beforehand, before the team is in a particular area.

There is also a point which is of great importance, and that is that we would like the Government to look into this and see that it is rectified before it gets worse. Mr. Speaker, this is about the reporters who come into this building. Of late, the reporters have failed particularly in translating speeches which are made here in English into Swahili. You find that—if I may quote—the Parliamentary Secretary for Health said one day that there was an hon. Member suffering from "Regionitis". What the Kenya Broadcasting Corporation translation of that was that the Swahili word for "Regionitis" was "dini", which is altogether different. Again, to give another example in Swahili, referring to Members who are not Ministers, they said

(Inaudible.)
which meant "irresponsible Members".

[Mr. Ouwari]

Mr. Speaker, I feel that the Minister for Information is here and he should see that his employees are properly trained and understand exactly what the deliberations of this House are, and if they are going to fail to tell the public exactly what happens here, they should either be sacked or they should not be sent to this Chamber to report things in the wrong way.

Mr. Speaker, Sir, a serious allegation was that there was a rebellion in this House, something which did not happen and, with the East African situation as it was recently with the mutinies, to compare our deliberations to a rebellion of some kind, was completely misleading the public. We feel that if the Press and the Kenya Broadcasting Corporation are going to mislead the public, it indicates that our Government could be disrupted. Our Ministers should watch this particularly carefully and see that it is stopped. Thank you, Mr. Speaker.

Mr. ole Oloitipit: Mr. Speaker, Sir, before I put my point, I feel I must reply to some accusations made here, by the Member who has just sat down. He mentioned to the Minister the Closed District Ordinances. Mr. Speaker, I do not think that the hon. Member had a mandate to speak on the Closed District Ordinances, because they do not affect him. If it was a question of repealing this law, it should be made by a Member like myself who is concerned with the said closed district. But first of all, the Masai who are in a closed district, are satisfied with the Closed District Ordinance and they do not want people to come here and say that they should be removed, Sir.

Another point is on unemployment. We have first heard from the Parliamentary Secretary for Labour that we are making serious allegations which do not exist. We want him to know, Sir, that the Government has promised the people that they were going to employ 50,000 people and, again, we are later told that the private firms have already offered to employ 160,000 people. Again we understand that they have increased this by another 5,000. If these people have been promised this and nothing has been done by the Ministry of Labour, except employing a few clerks to register the people, this will make the people at home ask us what the Government has done. They have been led to believe that there are vacancies, but we are not filling them. Sir, the public will be disappointed if we wait and wait and see nothing at all. So, we would like to ask the Minister to fulfil what

he has promised to the public. That is very important.

Another thing which I wanted to say is on our game policy. One might say, "Well, most of the Members will not be interested in hearing about game, because they are not disturbed by game." I, for one, am particularly disturbed by game. I would like our game policy to be changed, because although game is a precious asset to the country as a whole, at the same time, it is very destructive and disturbing to our people, to our crops, to our property and to our farms. The Government does not pay any compensation to these people. Therefore, Sir, I would like to ask the Government to try and change their game policy as soon as possible. The people are suffering a lot. They plant their crops which they hope to harvest for their future, for their living, but the wild game comes and destroys their plants, their cattle and everything else, and then nothing is paid to these people. Therefore, Mr. Speaker, I feel that if the present African Government is not going to be a Colonial one, an Imperialist Government, it should change this policy as soon as possible. Government must—especially in the county council land, not only in Masai but all over the country where people are suffering from game—find a solution as soon as possible to change the game policy, because it is very distracting to the people of the country. I think when they change their policy, they should allow the people concerned to protect their rights, their property, against wild game which escapes and runs about. They are doing all possible harm, Sir; they are spreading diseases all over the country; and then we are told that our cattle are condemned because they suffer from rinderpest, and the source of it is the game which is running about all over the country. People have started down to make use of their land and the game comes and eats all the grass and leaves the poor people with nothing at all.

Another point which I would like to make very quickly is on the promises which the Prime Minister has given to the neglected tribes of Kenya, like the Turkana and the Masai, that he will give them water. These people have come forward, Sir, to see what the Government is going to do. It is up to the Government to do something today to get these people what has been promised to them.

Mr. Anylen: Mr. Speaker, Sir, there is something I must mention which the hon. Member who has just sat down mentioned, and that is about the closed districts. The closed districts have become a haven for other peoples' stolen property. If the hon. Members from the closed

[Mr. Anylen]

district areas do not want this legislation to be drawn up, we would like the Government to introduce another Motion saying that if a district is a closed district, the people of that district cannot move freely into other peoples' districts. That way, it will be right, but we cannot have people wishing to come on to other peoples' land but not wishing those other people to come on to their land just because they wish to keep stolen property. From the other people, there. Mr. Speaker, Sir, just now I have received a cable from Kisii and I am told that the Masai went into the Kisii land unit and stole some *ngombi*. Mr. Speaker, I would like to ask the Government to do something. Sometime ago, there was trouble in this area; some tribal police from Masailand came into the Kisii land unit and they shot someone, they shot off his head. Mr. Speaker, this tribal policeman has not been arrested right up to this time. Every time I ask my Minister, he tells me to wait, he is going to get in touch with country. But how long is it going to be before this is done? The Kisii feel now that there are two Governments—one for the Masai and one for the Kisii.

This is a serious matter, do not laugh. Mr. Speaker, I would suggest that if the Government is going to enjoy the confidence of the people outside, it must not be a body which gives some irresponsible elements the opportunity to take life instead of protecting life. I demand from the Minister of State in the Prime Minister's Office, who is in charge of defence, that, when a constable shoots a man without a reason, that man must be arrested whether he is a Kisii, Masai or a Kikuyu.

Now there is another thing. We understand that the army officers in the field are employing people, but we also understand that, in some areas like Masai, they only took a young man after they had measured him and made sure he was fit, and then they employed him. When they went down to other places, like Kisii, they did not bother. They said that they must be good chaps.

Mr. Speaker, the Government must know that the Youth Wingers, the people who have given the most to make this Government exist, did not have a chance of a fair education, and for that matter it is necessary that one remembers where they come from; there is no point in a man with brains forgetting where he has come from. A man with brains must know where he has come from and he must be able to help those who have helped him in the time of need. There are Youth Wingers in the country. They are all fighting for freedom, but what I say is that those Youth Wingers who

were fighting for this country did not have a chance for education. The party which has formed the Government did not say, "You do not have the Kenya Preliminary Examination, so you cannot help us fight for *Uhuru*. You, who have got your Kenya Preliminary Examination, come and help us fight for *Uhuru*." How is it that when we are fighting for *Uhuru* everybody is accepted, but when it means people getting something back, then there is discrimination?

Mr. Speaker, the people who are now getting these privileges are those who have never helped this country in anything. They are the ones who are getting privileges. So, Mr. Speaker, we would like the Government to think about this and also to take into account the youths who have suffered for a long time for the interests of this country. So we can have in the army people who know, who have suffered to bring this country to where it is and, for that matter, they must be able to maintain the Government.

With those few words, Mr. Speaker, I beg to support.

Mr. Gachago: Mr. Speaker, Sir, I believe we have all enjoyed this session and—

An hon. Member: You are not here to enjoy it.

Mr. Gachago: And the reason why we assemble here is that we have our country to look after. We have a duty to see that this country, by the virtue of the work we do here, by the legislations we pass here, is satisfied. There is one section of the population of this country, which is far from being satisfied, despite the fact that we have endeavoured to pass legislation in this Assembly that this section of the population should be looked after. That section is the section called the youth.

Mr. Speaker, I do not want to repeat what has already been said, but I must say, although we have passed legislation here in this House that the youth must be profitably occupied, the arrangements, so far, that have been made are far from satisfactory. I would support the previous speaker when he mentioned that, when a programme is initiated by the Government to occupy this section of the population, which is very active, all sorts of grievances are employed. For instance, those who are being employed in the police are told they must have a standard of education that is very difficult to find in most of these people. For instance, a member of a youth group does not require a Kenya Preliminary Examination certificate to be able to work as a policeman and to arrest a person. Nobody can tell how much education is involved in arresting a person or in carrying

[Mr. Gachago] on the duties of a policeman. It is completely useless to employ all these standards, when all that we want is to have our people profitably employed, Mr. Speaker.

The Minister for Labour and Social Services (Mr. Mwendwa): Your time is up.

Mr. Gachago: Another thing I would like to mention is the question of the economy. It is known all over this country that the African people have, in the past, not participated in the economic machinery of their own country. When they were fighting for their independence, they were fighting with the hope that, once independence came, they would be able to participate in farming properly, in trade and commerce, so that they could be a part and parcel of the economic machinery of this country. Unfortunately, Mr. Speaker, there has been a tendency to show that those people who have been controlling the economy, are still controlling the economy even today. Then, where are our people? Where are the African people? What benefits are they getting from their independence? This independence will be useless until our people really participate in the economic welfare of this country.

The other thing, Mr. Speaker, I would like to mention is the question of law. This is a very difficult law to speak about. There is one thing I would like to say.

The Minister for Labour and Social Services (Mr. Mwendwa): Your time is up.

Mr. Gachago: I hear the Minister telling me my time is over. It is not his business.

The Speaker (Mr. Slade): He is looking at the wrong hour glass.

Mr. Gachago: The Trespass Act is something that is very undesirable. This type of law is most undesirable. I am ashamed to mention that the Minister for Justice, who is in charge of these laws, was my colleague in the trade union movement for over eight years and, all the time, we told the country and the workers of this land, that we were going to fight, once we became the Government, to get the Trespass Act abolished. I am ashamed to know that this law is still standing, and I am ashamed to say that, in my own constituency, two Members of the Regional Assembly have been charged in a court of law for attempting to discharge their duties. How can Members of the Regional Assembly, how can Members of this Assembly, discharge their duties, without being accused of trespass, Mr. Speaker?

Mr. Matano: Mr. Speaker, Sir, I would like to talk a little about the Education Commission which has been set up by the Government—I feel the Government is really doing the right thing in the right direction, and I would like to remind them of one or two things which they should keep in mind while they are doing it. At the moment, Mr. Speaker, we are faced with a very big problem. We have boys who have failed their Kenya Preliminary Examinations in their thousands, and these boys are roaming about in towns, Nairobi and Mombasa; they have nowhere to go and they are creating a problem. I would like the Government to think of how to find a way for these boys to be occupied, by either opening more schools where they could be taught some skills or in other ways where they could be occupied, perhaps by being employed by either the Army or police. But if we leave them roaming about in the towns, they are creating a problem that will face this country in the future.

Another point which I should very much like to be considered by the Commission which is coming, is the question of language. We have, at the moment, in Kenya, a section of the population who cannot express themselves in any language at all. You hear someone talk to you in Kikuyu, the next minutes he is mixing it with English, and, in another, he is mixing it with Swahili, and he does not know where he is. We have this type of person all over the country. We have a section of population in this country who cannot express themselves in any language at all. They cannot conduct an intelligent conversation in Swahili, or English or in their vernacular. They cannot. Once they begin to conduct a conversation, they mix up these three languages.

Mr. Speaker, this is a pity because we are creating a nation, and a nation without a language is not a nation. This Commission, I am sure, will go into the question of languages in full, and make it quite clear if we are going to be a bilingual country, or a mono-lingual country, but a decision must be taken. I know English has a place in this country, but I am sure Swahili has a very great place, and I am sure the Commission will go into it thoroughly.

Another point is the question of girls' education in this country. Our girls have been neglected for many years. When this Commission sits, I hope they will go into the question of girls' education thoroughly, to make sure that our girls are pushed forward and opportunities are opened up and I hope free education will start with girls.

[Mr. Gachago]

Mr. Speaker, another point I would like to bring forward is the question of teachers. Teachers in this country are neglected. The Government has done nothing to help the lot of teachers to build better housing accommodation. Their salaries are still being negotiated; their terms of service are appalling; and the Government is just sitting watching, and yet these are the people who are going to create the future nation of Kenya. How can this Government just sit? I hope the Commission which has been appointed by the Government, will go into this question of teachers thoroughly and enable the teaching profession to be a happy and satisfied one where people of the villages will be attracted to go into this profession, which is a wonderful profession, and which I proudly claim to be a member of.

Mr. Speaker, Sir, I would also like to emphasize the importance of adult education in a country like ours. Adult education is very important. Unless we educate the parents so that they know what they are trying to do and know what is going on in the country, and to know the developments that are taking place, I am afraid we shall be spending money for nothing. We must educate our parents so that they may educate their children—the children who are the future generation of this wonderful country of ours.

Mr. Speaker, Sir, my time is exhausted, but I do not think I will have done my duty unless I emphasize the importance of university education. It is very important that our education in East Africa—university education and higher education—should be at a standard to include more and more courses and more facilities for our young men, instead of spending money sending them overseas. I hope facilities will be available in East Africa where our young men and women will be able to be educated here in the environment to which they are used and where they know the conditions and the people, instead of sending them to America and Great Britain to come back here as a people who can please themselves. We know several cases, unhappy cases, of people having to adjust themselves after their higher education in Britain or America. Mr. Speaker, Sir, this is very important and the Commission which has been set up by the Government, will go into these points thoroughly and produce something worth while.

Mr. Seroney: Mr. Speaker, Sir, I have only four points to make. The first one refers to the Bill on the question of tribalism which seems to be

a thorn in the flesh of our body politic. In saying that, I want to make it absolutely clear, on my own behalf and on behalf of my friends who recently joined the Government, and on behalf of those who were in the Government before from the Kalenjin areas, that we absolutely deplore tribalism and we are only concerned with building the country, and we are not concerned with joining any factions whatsoever. For the information of the Leader of the Opposition, there are more Kani Kalenjin than there are Kadu. We are eleven and they are six. On behalf of my colleagues, we pledge our support, not to the Kikuyu, or to the Luo, but to the Prime Minister and to the Prime Minister only.

Hon. Members: Harambee! Harambee!

Mr. Seroney: And, we pledge our support to the spirit of *Harambee* which we call *Laleyo* in Kalenjin.

The second point concerns this question of illegal squatters. While sympathizing with the farmers who are pestered by illegal squatters, I would like particularly to appeal to the farmers in Nandi Hills and Uasin Gishu that, when putting their complaints and getting police action, they should not act hastily unless they are forced to, because this is a particular aspect of unemployment and landlessness, and if they wish for my co-operation or the co-operation of the Member for Uasin Gishu, they should be more sympathetic than they are today.

An hon. Member: What about the law? It protects them.

Mr. Seroney: The hon. Member has said that the law protects them, but the law should be applied intelligently and sympathetically. I am a bit worried about the activities of the *Shifty* who seem to be getting a open field. They are burning children and creating a lot of adversity. I will particularly urge the Government to inquire into the Emergency Regulations which they have agreed to, recently, to find out whether they are really adequate. Our people, especially from those constituencies who contribute a great deal to the police, will not want to give a report that so many have been killed, women have been killed and so on. We want a Government to act ruthlessly against the *Shifty*. We cannot have the citizens of Kenya murdered left and right.

Finally, Mr. Speaker, the last word, which is also for the notice of the Leader of the Opposition and the Regionalists, is that the Regional Assemblies should do their work properly, particularly the Rift Valley Assembly. There is a lot of land which should be used for settlement

[Mr. Seroney]

of the Masai or Kalenjin or other people who are there. If they do not do their job, then we shall get *Majimbo* scrapped.

Mr. Kall: Mr. Speaker, Sir, I have only a few points to make. One is concerning the Minister for Justice. There is one anomaly in the traffic law, and that is if you are involved in a collision with somebody, unless somebody is dead or hurt, the police will not interfere. I find this law to be very unintelligent. Who is to be the judge as to whether one party was drunk and the other sober? I feel that this law should be changed immediately so that the police could intervene in the event of an accident.

Secondly, we have a number of private students in London today who went on their own and, because of a lack of bursaries, they have been spending years and years there. I know of a number who have been there for the last twelve years. Some have succeeded in getting their General Certificate of Education at "A" level, but they cannot get to any university because of lack of money. They expect the national Government to do something for them so that they may finish their schooling and come back to work.

We have witnessed some instances in Nairobi where, if a motorist knocks somebody down, the public sometimes stone the car and the motorist. I have witnessed an instance where a bus was completely destroyed and some passengers were seriously injured. If the Government allow the public, the people in the country, to judge as to who is wrong, then what is the use of the courts or of the police? If the public continues to behave in this manner, the Government will be forced to take very strong measures, either to have the police armed to the teeth, or else the people will be dealt with ruthlessly.

I will now turn to the question of tribalism which has already been mentioned. Here, in this Parliament, Members can set an example, but if one goes through the Questions and Motions, there is nothing but tribalism. We are the people who are misleading the public. There is nothing wrong in saying that a Member for a certain area is asking the Government to do such and such a thing for that area, but not to stand up and say, "Mr. Speaker, Sir, I propose such and such a thing for the Kamba, Kikuyu, Kalenjin," and so on. This has led the public to believe that we are not national-minded but tribal-minded. We have our allegiance to our tribal groupings, but not to our nation, so far. Therefore, Mr. Speaker, I urge Members in future, to be careful in the way they put their Questions and Motions.

Mr. Mutiso: Mr. Speaker, I have four points to make. One concerns the ban on political meetings in Ukambani. I did not put the question to the Prime Minister here recently as to the position of the Akamba Elected Members in Ukambani in helping with combating illegal oath-taking in that area. The answer I received from the Prime Minister was completely unsatisfactory. We are wondering whether this Government is behaving in the same way as the Colonial Government, because we are not given the reasons why the Government bans these meetings. These illegal oath-taking are not only in Ukambani. If I remember correctly, in other areas, in the Central Province, there has been this question of oath-taking. Members there are free to speak to their people. Today, this House is adjourning and, when we go back, our people will be asking us: "What is the position? We are interested and you cannot tell us why the Government is not in a position to lift the ban; why can't we hold political meetings? What are the reasons for the ban?" I appeal to the Government to reconsider the position in regard to the ban on political meetings. We are completely silenced; we cannot speak to our people. We cannot even hold our clan meetings, and lots of things are going wrong and we have no means of communication with our electors.

A further point is the question of squatters. I remember very well that, ever since this country began its struggle for independence, everyone was singing "*Mashamba na Mali*". The people who have been promised this "*Mashamba na Mali*" today find themselves confronted with the *Trustees Act*; the recent police raid on about five hundred squatters was very disappointing. These poor people do not know where to go. They have been living in those places for many years, and the Government does not provide any alternative when they arrest them and shift them from those farms, although I sympathize with the farmers. This Government has to face the issue very squarely. We are ruling now and we are the Government of the people, and once the people begin to realize that this Government does not care for them, then there will be serious trouble.

The next point concerns game. Particularly in my own constituency, Yatta, where the game is uncontrolled. We have large game, such as elephants, lions, rhinos, leopards, and this game always go into our *shambas*. They eat our crops and, to a certain extent, kill people. We are told to preserve game, but the Government is not taking any steps to guard us from these animals. I feel the Africans must be given an alternative. They must be given freedom to defend themselves against wild animals.

[Mr. Mutiso]

I would like to make a point about siting of industries. There are certain parts of this country where people are suspicious about the Government's policy because, when we see any foreign delegation coming to Kenya and investing in this country, these delegations are sent by the Minister for Commerce and Industry, particularly to the Central Region and also the Nyanza Region. We are wondering why not to the Eastern Region, particularly around Machakos and Kitui? These parts of the country must be represented in the establishment of industries. There are other crops there, such as sisal, which would thrive very well in that area.

Mr. Choge: Mr. Speaker, Sir, the hon. Member, who has just spoken has not made me cross the Floor, because he has not said anything which is happening in the Government. It is a very serious matter for a Back-bencher on the Government side to say he does not know what his Government is doing. That discourages most of the Opposition Members who might have crossed the Floor.

There are some points which I would like to mention. With regard to this business of a farmer being a magistrate in his own area, and the employees on the farms near him, come to him or are sent to him by the police to be judged by the farmer. This is not good and is a very serious matter. I think they are being unfair and a lot of injustice is being done. This business of somebody having five goats and being fined five hundred shillings, I think is very bad, and the Minister for Justice should look into this and try to put it right.

There are Europeans who failed to produce anything from their farms and who failed as farmers; and yet, now, they are Settlement Scheme Officers. I fail to understand why these people were appointed for these jobs when they did not succeed on their own farms. Some of these people were ex-Army people who just managed to buy their farms and who had no knowledge of farming and who, therefore, failed. They are now employed by this Government on the Settlement Schemes. This is very shameful indeed.

Another thing I would like to point out is the eviction of the employees from the farms. There are some farms which are unoccupied, no one is using them, and yet these people are forced to leave, and their snakes and wild animals live on the farms. Some of these people have been born on these farms and are about forty or fifty years old and they have nowhere to go. I think the

Government must consider this. If no one is occupying the farms, I think these people should be allowed to stay on the farms until they find employment elsewhere or until they are given a portion of land on a settlement scheme.

With regard to the land utilization law; it has to be postponed and considered very seriously, because it is going to force most of these people who are unemployed on to the road, and the blame will be on the Government.

I also would like to mention social security. Workers must feel they are safe when they retire or get old. There are a lot of workers, for instance in Nairobi, they were born here, and are now at the age of fifty or sixty. If they are looking for employment, they are told they are too old and that young men are wanted. These people have no land in the reserve, they have no home because they were born in the town and it is a very serious problem. In some countries, like England, America, and various other countries, most people feel secure when they are old or retire because their Government is caring for them. Here, in Kenya, we now have our own Government, and I do hope that we shall see that old people are considered and get fair treatment. This is not a colonial government as it used to be. This is our African Government forever, and this Government should consider this matter very seriously. The Government must tell us what they are going to do about social security.

The Speaker (Mr. Slade): Mr. Choge, your time is up.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I have a few points to put over to the hon. Members, but I will only touch on those points which actually affect my Ministry.

Mr. Speaker, the hon. Members here have actually raised very important points with regard to the Unemployment Scheme or plan and I would like to tell the House what plan I have, so that when they leave here they will warn the employers and employees that I am going to blow a whistle, and when this whistle is blown, it is going to be like a bomb. Mr. Speaker, there are two parts to this unemployment plan. The first part was registration. We have now finished with registration, with registering the job-seekers, and if the Members want to know the figures up to the 7th of this month, I can tell them. Without going into the details of which region, up to the 7th, we had actually registered 107,000 people. Out of these, I am glad and happy and I must thank the people who helped me with this plan—we have registered

[The Minister for Labour and Social Services] jobs up to the 7th March, and I hear today that there are more than 17,000 to 20,000 jobs registered, but up to the 7th we had 15,000 jobs ready to be taken over.

Mr. Speaker (Mr. Slade): A point of order, Mr. Mwendwa.

An hon. Member: Mr. Speaker, Sir, is it in order for the Members whose views have not yet been expressed to be given a chance to express them?

The Speaker (Mr. Slade): I cannot hear.

An hon. Member: Is it in order for the Minister not to give a chance to the Members to bring their views here?

The Speaker (Mr. Slade): Come, come, come. It is not a point of order as to whom I call upon to speak. I would have thought that hon. Members who press these points in such debates with such urgency would sometimes like to hear from the Government their replies.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I have said that we have 15,000 jobs ready to be taken over. Now that we have finished with the registration, I must tell the Members what we are going to do, I hope, next week.

Mr. Speaker, we have prepared plates, and with your permission, Mr. Speaker, I will show these plates to the Members so that they know exactly what is happening. Now these plates, which you can see, are beautifully painted and so on, are the ones that we shall give to anyone who has taken on 10 per cent. They are going to be put in the window of that shop or in the bus or in the office to show exactly who has complied with the Government plan. If there are any employers who think they are going to hide, they are cheating themselves. When we go round the shops in Nyeri, Mombasa, Nairobi, anywhere, we will be able to see exactly the employers who have taken on the 10 per cent. They are going to be put on the gate of every shamba throughout Kenya. They are going to be put in every shamba to see exactly who the employers are that have taken on the 10 per cent.

Mr. Speaker, with regard to the Government, a Member has raised the question as to what the Government is doing. Let me tell the Members this—

An hon. Member: Nothing.

The Minister for Labour and Social Services (Mr. Mwendwa): The Members must understand that the Government is, at the moment, acting in three parts. We have the county councils, the Regional Assemblies and the Central Government. It is a very complicated piece of machinery to know exactly how many people are taken on by each county council. At the moment, we are collecting information. We are also collecting information from the Regional Assemblies to know how many people they are going to place in these new jobs. Now, the Central Government is also doing that. Therefore, Mr. Speaker, we cannot just rush and start announcing things which may not be ready.

The Speaker (Mr. Slade): You can have one more minute because of the interruption on a point of order.

The Minister for Labour and Social Services (Mr. Mwendwa): Yes, Mr. Speaker. So this is what is going to be done. May I sound a warning? I want to tell the employers in this country, as the Minister of Labour, that the time has come when every employer in this country should try to help his employees in business, so that they will feel that they are part and parcel of the business, by giving them shares at the end of the month.

Another thing which I would like to tell the employees is that we have found out that some employees have left their jobs to go and look for new jobs. If anybody has done that, he is going to lose both ways. He will go to a place where he hears of a job and he will find that another person has already been taken on. When he goes back to the place that he left, his job will already have been taken. This is a very serious warning to the employees. Now, Mr. Speaker, I am in a hurry—

An hon. Member: You are not quick enough.

Mr. De Souza: Mr. Speaker, Sir, I want to use my five minutes for only two points. The first is that I want to draw the attention of the Government to what is, in fact, a very serious deterioration in the law situation in Nairobi. There is, in fact, at the moment, quite a crime wave going on in Nairobi. Yesterday of this morning, when I read in the paper that a tourist from Switzerland had to be rescued from a crowd outside the bus stop near the Ambassador Hotel, I was quite horrified. I think there are a lot of people here who feel that, if you photograph somebody in the street, or photograph a bus stop or hotel, you are committing a criminal offence or doing some harm to the people. I think it is the duty of the Government and the Press Office to explain to the people

[Mr. De Souza] that tourists in every part of the world like to go around and take photographs of streets and people; that it is, in fact, part of our hospitality to let them take as many photographs as possible. There is certainly nothing at all wrong in being photographed, but that is a minor point. The important thing is that there are, I think, on the average, about ten to twenty burglaries taking place daily in Nairobi. I know that when I had a burglary at my house about two weeks ago and a police car came about forty-five minutes after dialling 999, and when I asked him why he was so late, he told me that there had already been about five or six burglaries that same evening in the same locality and, therefore, they were very busy. I appreciate that the police are greatly overworked and hard pressed, but I would ask the Government to try and make sure that the crime wave in Nairobi is greatly reduced.

In this regard, Sir, I think the important thing is to ensure that there is a greater respect for the law, in Nairobi particularly. We see, for example, a large number of hawkers going around all parts of Nairobi without being licensed and beginning their hawking trade in every nook and corner of the town; particularly opposite Albert House, we find people selling all sorts of fruit and making the town completely dirty, and unless the City Council authorities and the Government are willing and able to enforce the law as it exists, we are going to find a gradual deterioration and people are beginning to feel that they can do what they like irrespective of all the by-laws, the City Council laws and the laws of the central authority. You are going to find Nairobi becoming a dreadfully dirty place and all the standards that we worked for, that we hoped to see, will be lost.

Sir, it is in this regard that we should also, I think, view the squatter problem. I do not profess to be an authority on this, and I have, of course, great sympathy with the people who have no land, no property, no money and no food, who like to go and squat on other people's land. However, I think the essential problem is this: do we in this country recognize private property or do we not? If we recognize private property, we must recognize that the person who owns the farm or the *shamba* or the piece of land has the right to see who is there and who is not. While I agree that a person should be sympathetic and reasonable and try to accommodate as many people as he can, so long as they are not offending him, yet he must have the right finally—and this applies irrespective of race—to decide that if those people are in the way of his farming or in the way of the security of his farm, he must have the support

of the Government, the courts, the police, to ensure that they are moved from there. One hon. Minister said the other day, Sir, that this is not a question of trying to be good and tolerant as against enforcing the law; it is a question of enforcing the law or moving towards anarchy. I know that once we start allowing people to go into any part they want and settling there, we shall find that they will, eventually, come to the towns as well.

I know personally of one case, very near to my place in Nairobi, where a certain number of people have moved into the servants' quarters of a widow. She does not even know how many people stay there, and when she went and asked them why they had gone there, they said: "This is Africa, all of you can go away. We are going to take over this house." She is a widow with two children and she is afraid to report to the police because they may come to beat her up or something else.

It is a question of enforcing the law, and the Government has to be strict in this. This is, therefore, a general question of enforcing the law. There are some places in Nairobi, in Reata Road, Makadara, and many places, where people are afraid to go out at night. They are afraid to walk; ordinary people, citizens performing their duties, are afraid to go there, because two or three persons may set upon them, rob them of their property and even rob them of their clothes. I feel that the Government must take some action.

The Parliamentary Secretary for Local Government and Regional Affairs (Mr. ole Konchellah): Mr. Speaker, I will start with one point which concerns tourism. In this country, a lot of tourists come from abroad; we do not know whether some of them are not politicians from other countries. I would like to ask the Minister for Home Affairs to control them, and try to get guides to control these people wherever they go, because they might jeopardize other things in the country.

My second point concerns the interpretation of the word, "*Shifita*". The word "*Shifita*" is, perhaps, an Ethiopian word, and if Kenya and Somalia sometimes go to the United Nations, the Somalia Government can say that "*Shifita*" is not their word, so the *Shifita* gangs are not made up of their men. Therefore, it is not the Somalis who are fighting, but the *Shifita* perhaps comes from Ethiopia or another country.

An hon. Member: Give us a name.

The Parliamentary Secretary for Local Government and Regional Affairs (Mr. ole Konchellah): What I want is an interpretation of the word "*Shifita*" to see that it fits in its proper place

[The Parliamentary Secretary for Local Government and Regional Affairs]

We need an interpretation, which means "aggression by the Somalis." However, I do not think the word "*Shifita*" itself is suitable.

Mr. Speaker, Sir, the third point I would like to make is about the collection, which has been going on, of money in aid of hunger. We have been visited by two British students from school, from university, to see how that money has been used. From my point of view, I find that this money has not been used in the proper places. There were other parts of Kenya, districts, which suffered a great deal in the famine, Turkana, Masai and parts of Ukambani, but it seems as if this money has not been used in the proper places. There was a time when a picture of a Masai child who died of hunger appeared throughout the world, and a lot of money was collected. I have not seen this money being used in Masailand. I would like something to be done about this. When these two young men came from Britain, they were taken to Amhoseni to try to see the Masai. I suppose they saw elephant, but they did not see the Masai. Moreover, I saw them standing with two Masai *moran*, but there was no interpreter. How could those young men understand what the Masai wanted, or whether this money had been used in Masai or not?

I understand also, that some research was being carried out—I do not know whether it was by Americans—to try and understand the diseases among the nomadic people. Among the nomadic people, there are diseases which are still in the country, and which kill people. Why doesn't a research or a health firm come and try and to cure the people who are dying of disease?

The other point, Sir, concerns the Closed District Ordinance. I think other Members do not understand what this means. This Ordinance was enacted because certain tribes in Kenya used to say that the Masai went on a visit to a district and when they returned, they stole their cattle. This is why the Masai and other districts were closed. It used to be the practice, Mr. Speaker, that the Masai when they went out, had to obtain a permit to go to other districts, and I think it is still in existence. Even in the Northern Frontier District, two years ago, they were not allowed to come in this direction, to this part, without obtaining a permit from the District Commissioner's office.

Another point I would like to make in this regard is that Members who would like to see that this Ordinance is repealed, are those who

have given false promises to their own people, that as soon as the closed districts are opened, they will get land there.

An hon. Member: No more land.

The Parliamentary Secretary for Local Government and Regional Affairs (Mr. ole Konchellah): Mr. Speaker, I quite agree that we should really have the same people in the same country; we should be one nation; but property is governed within the Constitution; land is governed within the Constitution.

The last point is one made by Mr. Anyieni, that there was a tribal policeman who shot a Kisii and so far he has not been arrested. In 1962 two Masai were killed, and we have not received any information of their arrest to date.

The Speaker (Mr. Slade): By recent resolution of this House, we have to end this debate at half-past six. By the same resolution, every speaker is limited to five minutes. However, many points have been made for Government to answer, and I think that the remaining ten minutes must be devoted to replies from the Government. That being so, and Mr. Mboya having been here all the time and being the Mover of the Motion, it is possible that hon. Members might like him to take the last ten minutes. If no hon. Member objects, I will call on him to reply, and then continue. Otherwise, if any hon. Member does object, I shall call on another Member of Government to use the last five minutes.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I am grateful to the House for giving me the full ten minutes in which to reply.

A lot of points have been raised, and I am sorry to see some Members who raised them, leave the House so soon. Perhaps, they are not interested in the replies, only in speaking.

An hon. Member: They will read it in HANSARD.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Sir, I will just deal very briefly with some of the points which have been raised. The Leader of the Opposition made one point: namely that when the Government of Zanzibar declared that it would nationalize land, this Government ought to have issued a statement. He felt that this step was necessary, to reassure some people in this country. Sir, I do not agree that people in this country should be determining their attitude as regards our country on the basis of what some other Government, outside Kenya,

[The Minister for Justice and Constitutional Affairs]

does. They should determine it on the basis of what our Government does or says and, as far as our Government is concerned, the Prime Minister has made the position of private property so clear so many times, that we did not consider it was necessary to make any other statement.

Having said that—and I hope that all our people do not need this kind of reassurance—perhaps I might comment very briefly on a matter which is closely related to this, and that is the question of private property, including the question of illegal squatters. Mr. Speaker, some Members spoke as though the Government was not aware of or concerned about the problem of those who are squatters. The fact of the matter is that the Government is very deeply concerned with those who are squatting in various parts of the country. It is precisely because of this concern that the Government has introduced the Unemployment Relief Scheme. We were told, time and again, that the reason for this illegal squatting was unemployment. We are, therefore, introducing measures to meet unemployment and thereby remove the need for this illegal squatting. However, let us not make any mistake about it: if any Member of this House thinks that to allow and to be soft on illegal squatting is going to solve any problem, he is making a big mistake. It is not a question of being popular and buying popularity. You can buy popularity as a short-term measure, but tomorrow you will still be faced with these same people, and you will have to decide one day or another—whether or not you postpone the decision—what you are going to do with them. When we are dealing with this matter, we have to think both of those people and of the rights of the people who own the farms. Additionally, we have to think of the national economy. If too many people go and squat on a farm, there can be no question of development of that farm and, if there is no development, there is no revenue and no production. This country cannot afford to have any idle land which is not being properly developed or farmed. Some Members may think that, once people go and squat in a place, we should give them the farm and distribute the land among them, but the moment you do that, then you have given licence to everybody to go and squat, because the moment they squat they have a right to the whole farm. There would be no end to the problem, and I think Members in this House, instead of coming here and trying to plead, when they know there is something wrong, should

accept it as their duty to go to their constituencies and be courageous enough to tell their constituents, when they are wrong, that they are wrong. It is no use coming to this House and hiding under the umbrella of the Government and thinking that they can always blame the Government for their own lack of courage in telling the people what is right.

Mr. Speaker: this is important for the Members of this House to understand: already in the settled areas, that land which we have given over to African settlement schemes, there is illegal squatting. Now, what is going to happen? It is no use looking at this as just the European farmers' problem. If people have already started to squat on the land which is being given to our own people in settlement schemes, what is going to happen? Sir, the Prime Minister has been not only kind, but considerate. Before any measure was taken, time and again, he warned against illegal squatting; time and again, he appealed that it should stop; time and again, he called upon these people to remove themselves from the area. Did they respond? No. Did some Members go round also pleading with them and explaining the problem? No. The moment action is taken, then Members come here and try to pretend that they are defending the honour of the Prime Minister. The Prime Minister is not going to be fooled by these flatteries. If people really defend the honour of the Prime Minister, then they know what is legal; they know what is right. They should do what the Prime Minister asked the country to do. That is the only way they can help.

Mr. Speaker, I would like to reaffirm that this Government stands for the respect and the recognition of private property. Anyone who owns his property, has security for it, and any changes—whether they are in the land, the social or the economic policy of this country—will be carried out in an orderly manner, by a Government policy and through a Government programme. Independence and freedom do not mean anarchy. It does not mean everybody taking the law into their own hands. It does not mean the Members of Parliament transforming themselves into the Government, or into the Administration. It does not mean everybody else going about the country and doing what they like, or a Member of Parliament walking into a District Commissioner's office and telling him, "I am the Member here. I tell you to do this, you must do it." That is not independence; independence must include discipline and self-discipline. It must include recognition and respect for established authority. However, if it does not mean that, then we are talking nonsense

[The Minister for Justice and Constitutional Affairs]

in this House: I would like, Sir, as we adjourn during this recess, for Members to go back to their constituencies, and in their constituencies to help the Prime Minister and the Government in getting the public, the country, to appreciate that independence is going to mean hard work; it is going to mean discipline; it is going to mean recognition and respect for authority; and it is going to mean sacrifice. It is not enough to be a Member of this House, by merely attending Parliamentary meetings. It is necessary, when you are a Member of this House, also to work in the constituency, to get the people behind the Government instead of stirring the people up against the Government; to get the people to accept and work with the Government, instead of being the ones who tell the people, "This Government is weak, this Government has failed, this Government cannot do this". When a Member of this House does that, he must appreciate that he is working against his own Government. It is necessary that Members should now go back to their constituencies and also produce some positive, tangible self-help schemes in their own areas. There is no use coming here and asking the Government to produce co-operative societies. Co-operative societies should be produced by each Member in his own village working with his own people.

Mr. Masinde: But we want assistance for our co-operative societies!

The Minister for Justice and Constitutional Affairs (Mr. Mboya): This is what we want to be told. If you come with a co-operative society

already established, and you want assistance for it, this is what we want to be told.

Mr. Speaker, I hope that Members will excuse me. They think we should always sit on this Front Bench and take it from them; they should also take it from us sometimes, and this is one occasion when I think they ought to get it from us.

As far as public meetings are concerned, whilst I sympathize with the Member who has raised the matter, I must make it quite clear that public meetings, if they are misused, do more harm than good. We are not convinced that it has been the intention to use them properly. Instead, people have had the tendency to go to these public meetings only to propagate disaffection against the Government, and even if they are our own Members on the Government side—this is perhaps because of the mentality of the past—this must change first. We must be convinced that public meetings are going to be used for constructive purposes, productive purposes. There is no reason why a Member cannot meet his own constituents without having a public meeting; there is no reason why he cannot influence them without a public meeting. I am sure the time will come when we shall lift the ban. For the time being, the ban continues throughout the country.

(The question was put and carried)

ADJOURNMENT

The Speaker (Mr. Slade): The House is now adjourned sine die accordingly.

The House rose at thirty minutes past six o'clock.

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VOLUME II

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(Specially Elected Member)

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(Member for Isiolo)

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(Specially Elected Member)

(Died on 15.2.64)

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(Member for Hamisi)

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Cannot say it is out of order for Minister and Parliamentary Secretaries to be absent from this House, but it shows grave disrespect to the House that no Minister is here... and the House is entitled to record its resentment, 64

If a Member manages to remain in the Chamber, in spite of being in an intoxicated condition, and Members are dissatisfied with his conduct, it is up to them to tell him so afterwards, 209. The Speaker is not concerned whether someone is drunk or not drunk, as long as he behaves himself, 209

I have power and the House has power to discipline hon. Members who do not observe our Standing Orders, or who behave in a disorderly manner, 200

Members—

Asked to leave the Chamber (fraudulent Point of Order), 190, 191, 464, 681, 789

Entitled to put foot on Bench, 240

Not allowed to direct question to hon. Members (direct), 439

Must not pass between the Chair and the hon. Member on his feet, 247, 650; they must go round, 993

To be referred to as "hon. Members", 180

To bow when crossing the Floor, 466, 728-729; when leaving the Chamber, 789

To consider their dignity, 245

To keep silent while Speaker on his feet, 19, 64

To remain seated until hon. Member speaking has nearly finished his speech and also when Mr Speaker is speaking, 778

Other Members might have been called (to speak) if they had not been so fast to stand before the previous speaker was seated, 783; if only you would be patient you might be called on to speak, 653

Out of order to use insulting and offensive language in reference to other hon. Members (use of the word "youth-winger"), 19

Constitutional Amendments—

It is for me to answer on a Point of Order (over a Constitutional amendment). It is quite true that these things are laid down by the Constitution of Kenya, but it is also true that the Constitution of Kenya can be amended by resolution of a sufficient majority of both Houses. Therefore, it is in order for any hon. Member to propose that Government should introduce into this House a Motion for the amendment of the Constitution. Whether that Motion is carried by the sufficient majority will be, of course, another question, 483

Contents of Speeches—

Any words that give offence without justification are out of order. I have no doubt that it does give offence to our Government to be termed a Colonial Government, 381

Be careful of your language, 785

Cannot allow that sort of criticism (of the Opposition) when hon. Members are trying to uphold Standing Orders, 839

Cannot rule as a matter of order on people's choice of words, as long as they are not offensive, 822-823

Do not pursue that line. This is a Standing Order which requires publication (of a Bill). It is only the will of the House which can alter the period, and hon. Members are exercising their prescribed rights. You must not criticize or threaten them if they do so, 840

Going a bit far to say that a Minister does not understand what he is talking about, 886

He said that a particular statement of Government was out of date, and he is entitled to express that opinion, 187

If a Member manages to remain in the Chamber, in spite of being in an intoxicated condition, and Members are dissatisfied with his conduct, it is up to them to tell him so afterwards, 209. The Speaker is not concerned whether someone is drunk or not drunk, as long as he behaves himself, 209

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Hon. Members must not make that kind of remark about other hon. Members' speeches. You may criticize what they say in particular, but do not say that they have wasted time, or that they do not know what they are talking about. That will not do, 783

If hon. Members are seeking to give facts and figures, they should refer to identifiable cases, 220

In order to express the opinion that *Manu Manu* fighters were criminals, 72

It was in order for the Minister to propose this as far as the procedure of this House is concerned... Not competent to say whether it is a constitutional proposal or not, but if it is not, then the proper place to raise it is elsewhere, 464

May not say that anything any hon. Member tries to do in this House is a waste of time... a matter of opinion... and not entitled to say so in this House, 482

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No criticism of any Government of a friendly country allowed, except on a substantive Motion for that purpose, 123 (See also ruling under Debate, Rules of, 148)

Not entitled to call another hon. Member a liar. You may refute or disagree with statements of fact, but you must not be personal in your remarks about hon. Members, 772, 807

Not in order to refer to hon. Members' speeches as "nonsense", even if they are thought to be so, 180

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To refer to an hon. Member as "noisy", 792

To refer to an hon. Member in this way (by his nickname) and you must not do so again, 182

There is a limit to the amount of quotation allowed to hon. Members, 987

You must not be quite so free with your language, 886

Debate, Closure of—

Although it is a very unusual to have the Closure at this stage (after Mover and Second only have spoken), for the reasons given by the Minister, I think it is quite reasonable to allow the House to decide, 989

Call on the Mover to reply, 241- 271, 785; no other Member wishing to speak, 629

Have had two hours on this Debate and right to allow the House to decide (that the Mover be called on to reply), 912

If any hon. Member feels disposed now to move the Closure of this amendment, I would no longer say it was premature, 848

In order for an hon. Member to rise on a point of order to move the Closure at any time, even when (another) hon. Member is speaking, 63

Not possible to allow every hon. Member to speak (before applying the Closure), 63

Practice to apply the Closure to (Motions on the Adjournment) at some stage after half an hour's discussion has taken place, 55

Quiet reasonable for the House to decide on Closure at this stage, 648

Time for interruption of business, so closure must be applied, 261

Under Standing Orders, it is for the Speaker to decide whether the Closure would be fair to Members at this stage. I think that, in view of the importance of this matter, it would be premature to allow that question (now), 841

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Debate, Limitation of—

Hon. Members are aware that only very recently the House resolved that Motions of this kind should be limited to two hours with ten minutes for each speaker, and so on. Once a resolution of that kind has been passed, I do not think we can ignore it, even for a special occasion without the leave of the House, which means that no hon. Member objects. If there was complete unanimity there would be no difficulty in giving another half-an-hour or even an hour for this Motion, but I think I must now inquire whether we have the leave of this House to extend the period of this Motion at all. As an hon. Member does object, we have not the leave of the House, and so we cannot extend it beyond two hours, 527-528

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Debate, Rules of—

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Conduct of the Government of any friendly country shall not be referred to except on a specific substantive Motion brought for that purpose, 23, 148; but today I understand from the Prime Minister's speech that his Government no longer regards Somalia as a friendly country (so this Standing Order no longer applies) and it is open to hon. Members to say what they think about Somalia, 148

If only you would be patient, you might be called on to speak, but you will rise before the hon. Member who was speaking has sat down, 653

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When the Bar is drawn, the Bar is drawn and hon. Members will not pass, 183

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Of Temporary Deputy Speaker in Mr. Speaker's and Mr. Deputy Speaker's absence—cannot be a Minister or a Parliamentary Secretary, 71

Impugning Improper Motives—

Out of order to suggest that... no suggestion of anything of the sort, 191

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Inaudibility—

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It is very important that everyone hears the Minister, so he will have to speak up, 676

Minister to use microphone in answering questions, 555

Speak up, 671, 675, 755, 821, 960

The hon. Member does speak very quietly and if he does not speak up, other hon. Members behind him will never hear what he says, 671

Very hard to expect an answer when you do not speak clearly, 745

Interruptions—

Cannot have interruption on frivolous Points of Order, 53

Hon. Members not to interrupt so loudly that we cannot hear, 954

Hon. Members who make interjections must expect rather rough handling sometimes, 513

Hon. Members should try to get their facts right, but if they are wrong they can be corrected by other speakers in due course. The right of interruption is limited really either to cases of points of order, when an hon. Member is misrepresenting what has been said by somebody else or is required to substantiate an allegation, or where on a point of information the Member (speaking) is prepared to give way, 509

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Members—

Every Member has a responsibility to speak as far as he knows, according to the truth... It is with those who say the hon. Member is incorrect to bring evidence to show that he is incorrect, 18

Hon. Members can sit where they like in the House any time, though they look a bit odd sitting among their opponents, 543

Hon. Members must retain a certain amount of dignity, 721

Hon. Members to be addressed as "hon. Members", 725, 789; older hon. Members should set an example, 914

Whether an hon. Member occupies the Front Bench or not is a matter for his party to decide (not a matter for the Speaker to rule on), 646

Your position is the same as any other hon. Member (over catching the Speaker's eye), 51

Misrepresentation—

Apologies (for misrepresentation and allegations) rest with the conscience of Members... (who) must be very careful in making serious allegations against anyone, particularly other Members of this House. He has withdrawn and that is the end of it now, 759

Quite right to object to misrepresentation... and the hon. Member must withdraw, 400

You are entitled to deduce but you must make that clear that you are deducing and that you are not representing what they said, 551

You must be very careful you are not misrepresenting what other Members have said, 550

Motions—

Free-Lance Motion can give way only to another Free-Lance Motion, 537

I know that a lot of hon. Members can see a number of ways of improving this Motion... and if they think they can improve on it, they can move an amendment, 215

I will not be interrupted when I am trying to get the (terms of the) Motion clear, 214

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Notices of Motions—

Hon. Members must wait to hear the whole Notice of Motion in silence, otherwise, the point of the Notice is gone. They can make noises afterwards, for a short time, at any rate, 120, 947-948

I would remind hon. Members again, that the purpose of a Notice of Motion is to hear the Motion which is going to come forward. If it is interrupted by applause or other ways half-way through, the Members do not hear it. I do ask you to reserve your applause until you have heard the whole Notice, 484

To be submitted to the Speaker for approval prior to Notice being given in the House, 270

We do try to avoid Notices of Motions which are in any way unconstitutional, in the event of their being carried... We will have the advice of the Attorney-General at that time (whether Motion is unconstitutional and when it comes before the House, 120

Motions, Adjourning—

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A proper matter to raise on an Adjourning (unsatisfactory answer to Question), 335

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Debate, Closure of—

It is the practice on Motions of this kind to apply the Closure at some stage, and any time after half-an-hour's discussion may be a reasonable stage... (but) the purpose is not only to give the Opposition a chance to ventilate their views, but also to give the Government the opportunity of answering any views... and also

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Open to House to negative Closure at this stage, 59

Debate, Limitation of—

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Nor in order for Mr. Speaker to permit anybody to speak. However, it is his duty to point out to hon. Members the limitation on Adjournment discussions and how they may miss the opportunity altogether by waiting, 478

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Notices of Motions have to be in writing, 415, 609, 613, 743, 951

Too late to give notice (now) of a desire to raise a matter on an adjournment (arising out of an unsatisfactory reply to question) when the question has gone by. You can give notice at any time, but cannot talk about it now, 759

You can give notice... and I will allot time when it can be found... but only two evenings a week for discussion on an adjournment (allowed), 208

Not relevant, 401

Sine Die Adjournment Motions—

Can be moved at any time, 990

Debate, Limitation of—

By recent resolution of this House, we have to end this debate at half-past six. By the same resolution, every speaker is limited to five minutes. However, many points have been made for Government to answer, and I think that the remaining ten minutes must be devoted to replies from the Government, 1014

Reminder on Limitation, 990

Time up, 994, 1003

You can have one more minute, because of interruption on a point of order, 1010

Debate, Scope of—

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Scope of Motion to adjourn the House *Sine Die* explained... it affords an opportunity to raise any matter of the administration with which hon. Members think Government should deal... before the House sits again, 47; It affords much the same scope as a discussion on an ordinary Adjourning Motion at the end of sittings, 47

The purpose of an Adjourning Motion is mainly to hear, in a short time what the Government has to say in answer to a particular point raised, 189

Point of Explanation—

If it is an honest Point of Explanation, it is usual to give way, 219

Point of Information—

A useful Point of Information, 17

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No right to interrupt on a Point of Information without the Speaker's permission, 222.
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A good Point of Order (production of documents for the House), 915
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Fraudulent Points of Order—
(See Communication from the Chair for ruling on 553)
Experienced Member and knows very well what is a proper Point of Order and what is not. Fraudulent Points of Order set a very bad example to the House, 53
Hon. Members must pay attention to what I said about Point of Order, 872
I am getting tired of fraudulent Points of Order, 261
I decide whether a Point of Order is so blatantly fraudulent as to call for disciplinary action. I do not ask hon. Members to tell me so, 811
Member will leave the Chamber, 464; if you cannot learn what is a Point of Order you will leave the Chamber until you do. You will leave this Chamber for the rest of this evening. Go out, 789. You have been a Member of this House for quite a long time, and you know that you cannot correct Members in their facts as a Point of Order. You may or may not have heard my Communication from the Chair... but you should have received a copy of it. You have obviously ignored what I had to say. You will leave the Chamber for the rest of the day, 681
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These (fraudulent Points of Order) will not be tolerated any more, 533
You should know better by now... nothing like a Point of Order, 703; you must be careful about what is a Point of Order if you want to stay in this House, 833; you may be asked to leave the Chamber, 499
I answer one Point of Order before hon. Members rise on other points, 208
Member—
May only intervene on a Point of Order, 13
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Not a Point of Order, 12, 243, 416, 509, 610, 667-668
As to whom I call upon to speak, 1009
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If Members get their facts wrong, 605
Not a proper Point of Order, 411
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When an hon. Member rises on a Point of Order, others will stay silent, 208; Member will hear a Point of Order in silence, 614

You are quarrelling with a statement made and you cannot do that by Point of Order, 716
You cannot dispute points of fact as a Point of Order, 717
You must know that when a Point of Order is raised, it is in the hands of the Speaker, and you must learn to keep calm, 760

Production of Documents—

The practice is that if hon. Members wish to refer to documents in this House, they must be prepared to make the document available for hon. Members to read. I assume you are willing to lay a copy of that document in the library if you would do that, it would satisfy the House, 915

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I did encourage Ministers, when they found their reply had to be of very great length, to put it in by way of a Written Reply, in spite of the Question having asked for an oral reply, because it is quite impossible for the House to follow a very lengthy detailed reply given by word of mouth, 686

If a Minister gives a Written Reply, when it is obvious that an oral reply was suitable and easy, he will arouse the wrath of this House, and no Minister can afford to do that too often, 687

If a Written Reply is given to a Question for oral reply, or a Question for Written Reply for that matter, the Question does not normally appear on the Order Paper at all . . . The only way that hon. Members can ask Supplementaries in respect of a Written Reply is by asking another Question altogether after they have seen the reply in the published HANSARD. They cannot actually ask the same Question even then, but they can devise Questions which are not out of order which will give them what they want, 686, 826. The Written Reply gives rise to a further Question on a particular point, and then there are suitable Questions for oral replies, and they will be dealt with as such, and there will be no excuse for a Written Reply. That further Question comes on the Order Paper and can be followed by Supplementaries, 686-687

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There has been a good deal of repetition . . . will be strict on any further repetition, 449. We do not want any more repetition, 655

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You have made that point several times over, 440; three times already, 448

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Has now withdrawn and that is all he can be expected to under Standing Orders, 759

I have to accept the hon. Member's word for the moment (on what he said he said), but if he is proved by HANSARD to be a liar, he will have to make an apology to this House, 717

I want to know what you did say . . . then there is the question of what you have to substantiate, 716

If hon. Members make allegations and are required to substantiate them, they cannot just put it over to the other side to show they are not telling the truth. Substantiation means, if you allege a rumour, you produce some sort of justification for the rumour, 731

If you cannot substantiate, you have to withdraw you know, 542

It is in order for an hon. Member, when asked to substantiate, to say he relies on a Press report. As I have explained on other occasions, there is a Standing Order which says that at Question Time hon. Members cannot ask as to the accuracy of Press reports, but that is only concerned with questions. When it comes to making allegations, and an hon. Member is asked to say why, one of the most common reasons is that he has seen it reported in the newspaper and it was not contradicted . . . It is better . . . when referring to a Press report by way of substantiation, to quote it specifically, so that the Member concerned can see exactly what the report was, 760-761

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(The Hon. F. R. S. De Souza)

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